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THE

ENGLISH UNIVERSITIES.

VOL. II.—PART I.

CHRIST CHURCH DINING HALL, OXFORD, 1842.

THE ENGLISH UNIVERSITIES.

FROM THE GERMAN OF

V. A. HUBER,

PROFESSOR OF WESTERN LITERATURE AT MARBURG.

AN ABRIDGED TRANSLATION,

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a

EDITED BY

FRANCIS W. NEWMAN,

PROFESSOR OF THE GREEK AND LATIN CLASSICS AT MANCHESTER NEW COLLEGE, AND FORMERLY FELLOW OF BALLIOL COLLEGE, OXFORD.

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CORRIGENDA IN VOL. II.

PART I.

Page 2, line 16, for *should*, read *would*.
,, 11, line 5, for *gownsmen*, read *Oxford gownsmen*.
,, 35, line 12, *dele* the comma after *mistake*.
,, 37, line 5, for *Nonconformists*, read *Protestant Nonconformists*.
,, 71, 1st Note, last line, for *monopolize*, read *monopoly of*.
,, 78, last line, for *Reformation*, read *Restoration*.
,, 153, line 17, dele *by*.
,, 197, Note, line 3, for *ever*, read *even*.
,, 200, 5 lines from bottom, for *Commons*, read *Commoners*.
,, 204, line 11, also page 355, Note 1, line 4 from end, for *latter*, read *later*.
,, 226, line 17, the word *greater*, should not be in italics.
,, 306, line 16, for *natural*, read *national*.
,, 313, line 1, dele *so*.
,, ,, 5th line from bottom, for *phrase*, read *praise*.
,, ,, line 17, for *proceed*, read *proceeded*.
,, 599, line 6 from bottom, read "above mentioned."
,, 335, line 8, for *Adliscombe* read *Addiscombe*.
,, ,, line 13, for *Courts* read *Court*.
,, 407, line 2, after *refuse*, add the word *and*.

It is only fair to the Printers to state, that they are not to blame for these errors. The original MS. was very difficult to decipher; and though the greater part of it was recopied, it has proved an arduous task to get rid of the mistakes of the copyists.

F. W. N.

THE

ENGLISH UNIVERSITIES.

CHAPTER IX.

FROM ELIZABETH'S DEATH TO THE REVOLUTION.

§ 191. *Introductory Remarks.*

CONTRARY to the prevailing opinion, we believe the darkest and bloodiest traits of the Stuart period to have their origin from an earlier date, and to have been inherited from the Elizabethan age. In James I. was combined almost every weakness certain to incapacitate a Sovereign even under favorable circumstances: we cannot therefore be surprised, that instead of healing the complicated evils which descended to him with the crown, he only increased them. His nobler and more unfortunate successor undertook a task which a cleverer head and stronger hand could not have carried safe through. But it is not our part to

unfold these matters in detail: we must content ourselves with showing how the general history of the nation during the period of the Stuarts bears upon that of the Universities; which may be called their external, in opposition to their internal history.

External History.

The external aspect of the times was decidedly favorable to the Universities. Important accessions to their wealth were gained, and no serious permanent loss occurred, even during the Civil Wars: while any temporary embarrassments which they felt were not unsalutary to their spiritual and moral life. Though attacked in many points, they all along retained favor and sympathy among the powerful and the opulent. Indeed, after all the events of past English history, there was no fear that the ruling powers should pay too little attention to them: the danger was of too much and injudicious intermeddling.

§ 192. *Favors of James I. to the Universities.*

Not to dwell on the general monarchal policy of the Stuarts, the pedantic vanity of James I. made that Royal smatterer look upon the Universities as playthings for his hours of idleness. Most of his frequent interferences, produced only a temporary

or a hurtful effect. But he confirmed to them all their well-earned privileges, and bestowed on them *the Parliamentary Franchise*, with *all Church patronage which was in Roman Catholic hands.*

The former donation at first was not valued. Its value was seen afterwards, when the powers of the House of Commons were enlarged: indeed this very measure may be looked upon as one of the earliest symptoms of its extending claims. The end proposed was, to defend in Parliament the rights and interests of the Universities: which was more and more needed, as the Universities became more decidedly temporal corporations and lost their ecclesiastical character. That at first they did not themselves attach much value to this species of guarantee, may be ascribed to the natural prejudice against every thing new; or perhaps rather to the experience, that less zeal is to be expected from ordinary delegates than from extraordinary Patrons, won by gratitude or prompted by an inward calling.*

Be that as it may; the Universities were far better pleased with the other present: for, by reason of the great number of Catholic Nonconformists among the Provincial nobility and gentry, the revenues of the Universities, and the means of providing for those attached to them, were thereby greatly increased.†

* See Note (42) at the end.

† The Privilege is of the year 1606. This present was divided between the two Universities, Oxford taking the Southern and Cambridge the Northern counties.

These are the only traces of Royal liberality, of which the Universities have to boast from the Stuarts: if that indeed may be termed liberality, which costs the giver nothing. James however was on that account the more condescending toward the Universities in his own person. He honored Oxford with a visit as early as 1605, and Cambridge in 1615. In both instances the Universities did their utmost to express their attachment and respect, after the usual fashion, in academic festivities, amusements and solemnities of every kind.* Yet the personal communications of the Universities with this Monarch were by no means confined to these ceremonial visits: for he favored, and even required as often as possible, a direct intercourse, both by word of mouth and by writing, with the local Heads of the Universities, and was very fond of having the most insignificant as well as the most important business submitted to the wisdom of the British Solomon. Even upon his first arrival in England, he gave orders that as often as he came near to either of the Universities (especially when at Abingdon or Newmarket) the Chancellor and some of the Heads of the Colleges should wait upon him and lay before him an account of the University affairs. In fact, there

* James was notoriously wanting in the commonest of kingly qualities; personal courage. When received by the Oxford scholars with a "rude murmur," he was alarmed: but when assured that it was their manner of applauding, he felt himself much flattered.

are still extant numerous letters in the King's own handwriting concerning similar matters.

§ 193. *On the early part of Charles the First's Reign.*

Charles I. was hindered, alike by his truly Royal feelings and by the cares of his government, from being equally liberal with such marks of his Royal favor. He was not however behindhand in forwarding objects advantageous to the Universities and more worthy of himself. Besides his presence in Oxford when driven thither by political troubles, he took care to make the solemn visit to the Universities, which they now began to claim as a sort of right from every crowned head. The supreme direction of academic affairs fell therefore again more into the hands of the Chancellor, who (according to custom now long established) was elected *for life** from the most distinguished men in the country, and made use of his position, when necessary, to mediate with the King. In this critical period therefore, it was of the greatest importance to both the Universities, that the patronage of Oxford should be confided (as under Henry VIII. and Elizabeth) to the most influential of the Royal favorites. The successor of Wolsey and Leicester was the well known champion and martyr for

* Yet such an appointment "for life" could mean under the circumstances of the times nothing more, than, as long as the favor of the King or of fortune lasted.

Stuart* despotism, Archbishop Laud. Laud was appointed Chancellor in 1630:† but at a much earlier period he exercised (as we shall see hereafter) a very decided influence upon academic affairs. Such protection as his was highly to be desired, at a time when the ecclesiastical and polical quarrels were daily growing fiercer. This exasperation was felt by the Universities, more particularly in the democratic spirit of the town population; who stirred up anew all the old points of contest‡ against the academic rights and privileges.

§ 194. *The rising power of the incensed Parliament begins to be felt in Oxford.*

As long as the Royal power was able to defend itself, the Universities did not err in relying upon its protection against such attacks. But this protection was bought at the expence of committing the Universities as partizans in the Royal cause,

* [Des Stuartſchen Königthums.—It is apprehended that our Author employs the word *Royalty* or *Monarchy* to mean, *unlimited* Royal power: a sense which neither of the English terms will bear.]

† His *predecessor* (appointed in the year 1617) was that Earl of Pembroke, who was the object of the celebrated Shakesperian sonnet: a fact which has been proved beyond all doubt by Boaden (on the sonnets of Shakespeare, 1837). Laud's *successor* was the son of this Lord Pembroke.

‡ Wood mentions several occurrences of the kind which however offer no further interest. They were but feeble repetitions of the conflicts of the fourteenth century. Not that there was any want of successors to such men as Wells and Bereford. Indeed Wood tells us of a caitiff who swore upon the Bible eternal enmity to the University: but the general masses were tamer.

and thus drawing on themselves the distrust and anger of the opposite party. When therefore the united democratic forces of Church and State found a leader in the Lower House, and assumed an attitude more menacing to the throne; the Universities also began to feel its powerful influence. This was the more inevitable, as there was in their own bosom a formidable minority, which just as naturally sought to the Commons for support, as the majority did to the Royal and Episcopal power.

The conflict heightened when the Parliament made its attack upon Laud, appointing indeed a Committee of themselves for an express inquiry into his conduct toward the Universities. This Committee was ready enough to assume authority over academic affairs, and was eagerly welcomed by the Oxford Puritans. In this way, they succeeded in 1642 in carrying the election of the Earl of Pembroke as Chancellor.

§ 195. *Political Fever in the Gownsmen, especially of Oxford. Apology for their conduct.*

So zealous a part did the gownsmen take in public affairs, that once more, though on a smaller scale, the old popular superstition was verified, that Oxford conflicts were ominous of national revolution. Laud himself, in one passage, expresses himself in strong terms upon the activity of party-politics at Oxford. "Nothing," says he, "can be

transacted in the State, without its being immediately winnowed in the Parliaments of the Scholars." In January 1641, a contest of no slight violence raged in the streets of Oxford; and again as in the thirteenth and fourteenth centuries, were rung the fatal alarm-bells of St. Mary's and St. Martin's.

Before long, the Civil War, thus prefigured, really broke out: when instantly, unhesitatingly, both Universities took a decided part in the conflict, incompatible as it was with the genuine academic character. But the co-operation and the sympathy between the Universities and the State had been long too intense for the former to be passive, nor was either of the too great parties disposed to allow them to remain neutral. It is then an entire misapprehension of the case to condemn them by an abstract standard. We allow that in the general, Universities ought not to play *any* political part; but it may be inevitable: in which case we must not cavil because they are not neutral; but we must applaud, if (as to the honor of the English Universities at this crisis it must be avowed) they display such right sentiments as the times allow. We are unable therefore to feel any sympathy with the conduct of Lord Pembroke, then Chancellor of Oxford, a zealous Parliamentarian: who, in 1642, when the Oxonians claimed his official intercession, replied with cool contempt: "If you had contained yourself within the decent and modest bounds of a University, you might justly have

challenged me, if I had not performed the duty of a Chancellor, &c."* This really meant: "If you had espoused the same party as I, I would have been your representative with it, now that it has the upper hand: but since you have taken another road, you must manage for yourselves."†

§ 196. *Noble conduct of the Universities in the Civil War.*

In the midst of embarrassment, and with great sacrifice, the majority of the academicians displayed an unshaken attachment to the principles, political and ecclesiastical, which they had so long and so frequently expressed. Such conduct, in the sunshine of Royal and ecclesiastical favor had no merit, and was exposed at once to evil interpretation, and to the real stain of flattery and servile egotism. But during the troubled times of the civil wars, in face of the destroying lightnings of the ruling Democracy, it assumed an elevated attitude of the highest moral worth.‡

* Ellis's Letters, iii. 301.

† It may be interesting to some to learn, that the first trace of corporate interference of the English Universities in political affairs, is to be found in a petition for the preservation of Bishops, Cathedrals, &c., against one presented to Parliament in 1641, on the opposite side.

‡ The academic Royalists did not *intend*, any more than the majority of that party, to combat for an unlimited despotism; yet is clear that their victory would necessarily have led to that. Just as little did the majority of the adherents of the Parliamentary party dream at first of a Republic, although the course they pursued necessarily

The first occasion on which the Universities took an active part in the Civil War, was upon the receipt of a letter from the King, intreating pecuniary help. It was dated from York, in July 1642; shortly after he had raised the Royal Standard. This demand was complied with, both in Oxford and Cambridge, alike by the University and by all the Colleges. They sent to the King* all their ready money and all their articles of value, precious for the most part not only on account of their intrinsic worth in silver, gold and jewels, and as works of art, but as presents and tokens of honor and respect. So decisive a step having exposed them to the vengeance of the Parliament; the academic population was armed and organized, to protect them from a *coup de main*, on the part of the Town-Puritans. This at least was the case in Oxford, which, from its position in the centre of the South of England, and by its military advantages, was a particularly important place at this crisis. Cambridge lay more on one side, and only followed the bias given. Besides, the adherents of

tended thither. Both sides first proceeded from positive and historical principles, relatively justifiable, but unfortunately in their further development intrinsically intolerable. Nor can it be a matter of surprise that there were *at that time* many most honorable men on both sides who deceived themselves in many ways respecting this original position of things. But how the same errors can be made by Historians, some of whom, if not very profound, are yet very well read, is surprising, though not perhaps inexplicable.

* The Cambridge offering fell for the greater part into the hands of the Parliamentary troops.

the Parliamentary party were far more numerous in Cambridge; which prevented that University from taking so decided an attitude. Nevertheless, cut off from the Royal Army and menaced by the town population, the gownsmen could not have resisted a serious attack, even if more experienced in war and better provided: accordingly, in the autumn of 1642, the city was occupied without bloodshed by the Parliamentary troops.* Oxford, however, soon obtained yet greater importance in the Royal cause, when, after the defeat at Edgehill in November† 1642, the King himself established his Court and Camp there. In this confusion, the intellectual vocation of the University was of course utterly lost. Its buildings in part were given up to the King and his retinue, and to the Parliament which shortly after met there; in part they were used for military purposes and preparations, in which the bolder inhabitants took share. In the following year, when the events of the war had taken the King and his army from Oxford, the city was again occupied by the adherents of the Parliamentary party. But when the unfortunate events of this and the two following years had deprived the King of almost all his other points of defence, and even places of refuge, he again returned to Oxford; to

* For further details respecting these events I refer my readers both to Wood's great work and more especially to his Autobiography in "Caii Vindiciæ Oxon:" ed. Hearne, (vol. ii. appendix.) Much may be found also in Clarendon and other well known sources of information.

† [English books call it October 23, (Old Style.)]

which the honor was reserved of becoming one of the last bulwarks of the lost cause. In fact, not until the King had fallen into the hands of his enemies, and every hope of serving him had disappeared, was Oxford given up to the Earl of Essex, commander of the Parliamentary forces.

§ 197. *Condition of the Universities after the victory of the Parliament.*

When Republicanism in Church and State was established, and armed opposition of the Royalists had ceased, a comparative quiet ensued, and greater safety for individual interests. The most serious trials however now commenced for the Universities, as scientific and still semi-ecclesiastical Corporations. During the struggle, they had not apprehended formal and permanent change. Their greatest distress was *then* looked upon as temporary: sorrow for outward losses and ruin,—inflicted by enemies from spite, by friends from necessity,—might be overcome: and if the Royal arms had triumphed, all would have returned of itself to the old channel, excepting inevitable changes of persons. But they *now* had to dread, not merely temporary vengeance, but permanent organic revolution. The feelings and opinions then working, warrant the belief that not only the most sweeping changes in the Universities, but even their total abolition, were among the possible results of the crisis. But nearly every

aspirant for power recognized the value of learning and of learned institutions; while the few more eminent men who were indifferent or ill-disposed to them, were ashamed to avow it publicly, lest it should expose them to scorn and injure their political prospects. The Puritans themselves moreover had a minority, as we have seen, which although small in Oxford, was very considerable in Cambridge; and not a few of these commanded influence and respect even beyond the bounds of academic life. Many of them had even taken up arms in the Puritan cause, as their academic opponents had done for the other. This minority now sought to establish itself as a majority, and thus to represent the Universities: in which work the State saw it best to help them. Indeed it was no new case; the same had occurred already at each stage of the Reformation.

An attempt was first made, to induce the hostile majority to renounce their former principles. The Universities were called upon, in September 1646, to combine in the well known union of the "Solemn League and Covenant," which comprehended an abjuration of all monarchal and high Church principles.* In Cambridge, the more decided of the

* I am aware that the parliamentary rulers of the year 1646 still called themselves Royalists, and looked upon the decided Republicans as very dangerous opponents. We speak here of things and not of names. The simplicity of people's views upon this subject may be seen by a passage in Dyer, where Brynne's testimony as to the Royal prerogative with respect to the

opposite party, as early as the year 1643, shortly after the breaking out of the Civil War, had been either formally expelled by a Visitation,* or removed in other ways: and the rest were not likely to oppose the acceptance of the Covenant. In Oxford, on the contrary, Puritans and indeed neutral persons had been driven out, while the Royalists were masters: and after the surrender, Royalists alone had to be dealt with.

It was soon evident that it was not a question only of individual views but also of corporate spirit: and if we call to mind the probable penury of an ejected academician, and the dangers for life and limb from a fanatical mob and army, we cannot take it amiss of Oxford, that she looks back upon that crisis with pride. Whatever shame was incurred, when she pandered to the lusts of Henry VIII., it may be regarded as fully expiated by her conduct on this occasion. When called upon by Parliamentary Commissioners to subscribe the covenant, the *ordinances* and the oath of union, the University handed-in a protest (which had been almost unanimously accepted in full Convocation) setting forth the reasons, moral, theological,

Visitation of the Universities is quoted as that of a sincere Royalist, and yet what is the meaning of these words? "The parliament itself is the *true real founder* and establisher of both Universities, &c., therefore the Parliament have best right to visit, &c." [It will afterwards be seen that the author holds England *at present* to be, not a monarchy, but a republic.]

* Among these were as many as twelve Heads of Colleges.

ecclesiastical and political, which forced it, as a matter of conscience, to refuse the required signatures.*

The consequences of this boldness must have been foreseen. A Parliamentary Visitation was appointed; and, as the Universities refused to acknowledge it, without a reservation for the Royal prerogative and for the rights and privileges of the University, the Vice-Chancellor Fell and some others of the more influential members were summoned to appear before the Parliament; and upon repeating their refusal, were put under arrest. This Visitation lasted for more than a year (till October 1648) with various interruptions, since it was requisite to besiege and storm each College separately. But in fine, the bolder and more decided opponents were expelled, waverers were intimidated, and the adherents of the party in power were introduced into the vacant posts. No necessity however was found for any essential change in the academic constitution, regulations or discipline. Any outward ceremonies which seemed in too close affinity with the Episcopal Church, were quietly set aside, or disappeared. The permanence of these results was certainly menaced by the unsettled state of the supreme government: for the spirit of the new University rulers coincided, in truth, but little with many of the views and interests, which were struggling for mastery in the State: and it became

* See Note (43) at the end.

doubtful whether a new reform would be confined to mere change of men. This fear however, vanished, when Cromwell's firm hand seized the helm of the Republic. He promised and gave the Universities his decided protection, the moment they recognised his power. Cromwell, like the sovereigns whose power he now wielded, looked upon a solemn visit to the Universities as his right and duty. Upon this occasion, together with several of his old comrades in battle, he was honored with the academic dignities: and in 1650 he did not scorn to accept the Chancellorship of Oxford to which he had been elected.*

§ 198. *The Universities under Charles II.*

The death of Cromwell and the restoration of the Stuarts in 1659, naturally introduced a reaction, by which personal interests were injured; but it did not proceed to any revolution in the established academic constitution: nor can it surprise us that Republican Martyrs, every where rare, were rarest at the Universities. Yet, however sincerely the University of Oxford, after Cromwell's death, or in his later years, may have desired the return of the exiled dynasty, her leading men were inevitably expelled by the Restoration. It was hard to reject the claims of those who had been driven out as Royalists in 1646, and now demanded to be

* See Note (44) at the end.

reinstated. In fact, the Restoration soon set itself in direct opposition to the views of many of its promoters; and adopted the despotic principles which had originally excited and to a great degree justified the popular resistance. This was especially the case in the sphere of the Church. Without any fresh and violent measures, the re-establishment of the oaths introduced under James I. was enough to eject from the Universities many of those who had entered in 1646.* The Act of Uniformity in 1662 did the rest. Although in this, as in all similar cases, those who sacrificed their worldly interests were amongst the most honorable members of the Universities, this was compensated by the return of those who had become martyrs in the former critical period.† Gratitude demands our mentioning with regret, that our excellent Wood—without whose laborious and steady notices it would have been impossible to write a History of the English Universities — was, at least indirectly, a victim of the Restoration, although a most zealous Royalist. Some severe expressions made use of by him respecting the Chancellor, Clarendon, were taken up as a "*reviling of great personages:*" and Wood was deprived of his Fellowship and expelled from the University. Proofs of the *truth* of his statements

* The re-establishment of all the statutes and regulations, as they had existed before the Usurpation, was ordered by a Royal letter of the 6th February, 1660. (v. Dyer.)

† Details may be found in Ayliffe, Salmon, and in Wood's Biography.

were of course not allowed to be adduced: and Wood in his old age learnt, at the cost of his worldly fortunes, what he might have long before learnt at a cheaper rate, had his calling to History been less strong; namely, "*que toutes les vérités ne sont pas bonnes à dire.*"

Nothing seemed now to stand in the way of the successful progress of the Universities. Their rights and privileges were confirmed: and against the Town, they were established with energy and effect. The Universities had suffered no great outward loss, and were certain to make fresh accumulations of wealth, from the sense of their importance ever increasing among the political and ecclesiastical leaders. Towards the Crown they resumed their old relation; which, considering the character and habits of the Court and King, might have brought a new moral and intellectual danger to the Universities. Happily, a preservative was found in the evil itself. Gratitude, it is well known, was not among the weaknesses of the last Stuarts; and the Universities had no reason to fear too much remembrance from the Court; whatever may have been the claims,* at least of Oxford. A Court, not only devoid of all that was praiseworthy and honorable, but not serious enough to pursue even petty self-interest consistently, could not feel any enduring and wise

* The merit, however, of the Oxford *judicium de solemni fœderatione* of 1646 was recognised by a decree of Parliament in 1665.

LIBRARY
OF THE
BOMBAY
BRANCH
OF THE
ASIATIC

ANTHONY WOOD M.A.

Author of the Athenæ and Antiquities of
the University of Oxford.

A.D. 1674.

interest in academical concerns. The Universities therefore enjoyed the advantage (inestimable under the circumstances) of being left much more to themselves* than had been the case since the beginning of the Reformation.

§ 199. *State of the Universities under James II.*

The position of things under James II. took a perfectly different form. As previously, by the overthrow of Royalty, the democratic element had been allowed to unfold its extreme tendency; so, after the restoration, Royalty reached that extreme point, which combined Absolutism with Catholicism. It is well known how the dynasty isolated itself, and withdrew its roots from out of the national soil,— how it was at last deserted even by those who were ready to follow it every where except to come under the yoke of Rome: and how, finally, it was crushed like rotten fruit by the first slight blow from without.†

* This remark is subject to a very considerable "more or less." In Dyer's Privileges we find ten royal ordinances during the five and twenty years' reign of Charles II. Most probably no more were issued, as there is no reason to suppose that they were either lost or destroyed, as was the case with earlier ones during the disturbances with the Townspeople, &c.

† I need not here inquire, whether the fall of the Stuarts would have taken place, without that external impulse; or whether, in spite of this interference, perhaps even in consequence of a national reaction brought about by it, James II. might have preserved his throne. So wonderful a power exists in Royalty, that a crisis is hardly imaginable, in which a dynasty might not still be saved by one

It is perhaps less well known that Oxford was one of the spots where the opposition first declared itself, and that in a most decided shape, although with the utmost possible reserve. It would be unjust to seek herein a reproach to the University for apostacy from the principles of *passive obedience,* which it had perhaps, in earlier instances, studied more zealously, and applied more eagerly to the condemnation of others, than was either necessary or praiseworthy. On the contrary, an occasion was obtruded upon it of practically interpreting the principle in the EXCEPTIONS, which are the more presupposed in every rule, the more unconditionally the rule is expressed. Certainly neither the Oxonian Royalists nor any* others ever thought that the duty of passive obedience was to exclude the right or duty of at least passive opposition to open violations of right on the part of the legitimate authorities. They had not perhaps determined very nicely the limits of active and passive opposition. It was a problem which they had never taken in hand; for who of them ever thought, that they, even themselves, might possibly come into this collision with the legitimate dynasty! And yet the conflict

single truly Royal action, or even word, of its Head. If ever such means are used and fail, it is no mere isolated chance, but is the last result of the whole complication of weaknesses, sins, and distresses, which brought the dynasty to such a pass.

* [Our author appears hardly correct here. The demand of Ship Money on the part of King Charles I. was notoriously unlawful; yet the Royalists held Hampden to be an unloyal subject for opposing it.]

was unavoidable, from the moment that the dynasty made itself the instrument of a Catholic restoration, which naturally would set the greatest value on all University-patronage. Without going into details, we will only offer the following remarks upon these occurrences.*

As early as the year 1679, when a Parliament was held in Oxford, symptoms were shown of more than common excitement, even among the gownsmen, against the then Duke of York and his Papist followers. The same feelings soon after (in 1683) exhibited themselves, upon the subject of Constitutional Monarchy, in a solemn judgment, delivered by the University against the despotic principles defended by Hobbes in his Leviathan; while, at the same time, it rejected the principles of certain Republican Presbyterians and of certain Jesuit writers. Yet, as a sort of echo of its warlike spirit in 1645, it allowed some bodies of horse, under the command of Fellows of Colleges, to join the Royal troops, in quelling the insurrectionary usurpation of the Duke of Monmouth.

In the following year, Cambridge had occasion to carry out *its* principles on the limits of the Prerogative, when the King had demanded that a certain Benedictine should receive his degree without taking the usual oath. This the Universities

* I have chiefly derived my account from Salmon. I must presume that my readers are acquainted with the impending state questions of that day—as for instance, the discussion respecting the *jus legibus solvendi et dispensandi.*

positively refused. The conflict soon assumed a still more important form in Oxford. James II. had, by his edict of Toleration (1687), as he and *his* legal advisers conceived, made the Catholics admissible into all corporations; and the academic corporations were forthwith selected for trying the principle. The place of President was just vacant at Magdalen College; and the King recommended a Papist as successor. The College, however, in the exercise of its undoubted right, chose one of the Fellows as Head, a man every-way qualified for the post: and (without admitting the compulsory power of the Royal orders) justified itself by the notoriously bad character of the King's candidate. The objection however upon which it laid most stress was his want of qualification, according to the Statutes of the College, which required a member either of Magdalen or of New College. Upon this, the Vice President and a deputation of the Fellows were summoned before the newly instituted Board for Ecclesiastical affairs. The election was annulled, and the right of the College to elect was suspended. But in consequence of the public scandal caused by the bad reputation of the first candidate, the King shortly issued an order to elect Parker, Bishop of Oxford: a man who,—among the numerous Prelates of that time who lent themselves to many equivocal proceedings,—was one of the few that became tools of all evil proceedings. The King himself did not disdain, upon this

occasion, to honor Oxford with his presence, and to threaten the Fellows of Magdalen, personally and in the most violent terms, with his heaviest wrath, if they should refuse to comply. They once more asserted, in an answer alike respectful and firm, their right to support their own legal election: and unanimously decided, that it was against their rights and their conscience, to obey a Royal order contrary to the Statutes, or to submit to be dispossessed of their freehold without regular judicial proceedings.* The King then sent to Oxford a Commission of his own, with full powers to act and with military means of coercion, determined at any price to have his own way in the matter. When intimidation had failed, he drove out by force the newly elected President with all the Fellows (except one who complied) and almost all the stipendiary scholars; all of whom were declared inadmissible to Church offices. Parker was instituted Principal of the empty house; a post which he did not enjoy more than a few months, as he died in March 1688. Hereupon the King ordered this shadow of a College to elect a certain Gifford, a Papist and Sorbonnist and Bishop *in partibus:* but before this could be effected, the landing of the Prince of Orange put an end to these and innumerable other oppressions and contests.

* Every College is a freehold *(liberum tenementum)* for the members of the College.

§ 200. *The Universities at the Revolution.*

When we consider the feeling which must have been engendered in Oxford by so many signs of the times, and lastly by the proceedings against Magdalen College, it cannot surprise us that Deputies from this University were among the first to congratulate the Prince of Orange upon his landing and to offer vigorous support. Those however who are acquainted with the history of the crisis, are aware, that the University did not *intend* hereby to renounce her old principles, nor to sanction treachery to the legitimate dynasty, and all the further consequences of this step. The Oxonians like so many others of the party afterwards known under the name of "Tories," looked upon the Prince, not as a future Usurper, but as* *a god let down in a basket.* He was to protect the country from civil war;—he was to restore the shattered State;—he was to save and strengthen the rights of the Crown and of the Dynasty, as well as those of individuals and of Corporations. *How* this miracle was to be worked; and whether the possible, the necessary, could be done without sacrificing the Dynasty to the Nation, may have been to the Oxonians, as to so many other worthy people, not so clear as perhaps was desirable. Hence for a long time they had various scruples and doubts as to their duties toward the exiled branch of the

* Deus ex machinâ.

dynasty, which set them more or less at variance with the collateral branch called to the throne by the will of the parliamentary majority.

We shall hereafter come back to the results of this position. A short notice is all that is necessary here.—These doubts did not prevent the University from complying *in form* with the new order of things. It did not refuse the oath of submission required; and the new rulers, to avoid driving the academicians to extremes, willingly winked at their opposition, while it was within the letter of the law: such consequences therefore did not ensue, as might have been expected, and in former convulsions of a like nature had actually followed. The transition, however, from the old to the new order of things, was in Oxford thus prolonged far into the eighteenth century; so that distinct chronological division would be scarcely possible. During this period — although one of much difficulty — no change was ever contemplated in the organization, constitution, laws or position of the University, nor even the expulsion of individuals. At the utmost, some few quietly retired, in order to save their consciences from a doubtful oath, or to be better able elsewhere to vent or conceal their vexation at the new order of things. Of course there was never even the remotest idea of a dissolution or spoliation of the University.

In Cambridge none of these difficulties were incurred: the causes we shall afterwards investigate.

Little or no trace was *there* to be found of doubts as to recognizing the new dynasty, and there was therefore no motive for change or constraint. Thus, amid the shoals of the Revolution, both the Universities carried safe over into the new era, their pecuniary, as well as their intellectual and political, inheritance. A few remarks on this inheritance here suggest themselves.

§ 201. *On the Estates of the Universities in the Stuart Era.*

In regard to the property of the Universities, we shall find that since we last occupied ourselves with this subject, that is to say since the end of the reign of Elizabeth, many very important augmentations had taken place. As for the Stuart Princes indeed, we have already observed that their favor did not show itself by pecuniary liberality. The only permanent memorials of these Sovereigns which the Universities have to show, are, the Parliamentary representation and Catholic Church-patronage, given by James I. The munificence of individuals proved a far more lucrative fund. Personal attachment or gratitude was the leading motive; and next, scientific, religious, or even political interests.

Of the benefactions bestowed on the Universities, we can allude only to the more important: and as such we may reckon, first and foremost, the

foundation of new Colleges: of these Oxford obtained four during this period; (one of which, however, afterwards fell to nothing;)* and, as she had always surpassed Cambridge in number of Colleges, the disproportion between the two Universities was hereby rendered still greater. In other institutions also Oxford maintained her pre-eminence. We have already mentioned the great Bodleian institution, which was made really effective first under James I., although the influence, means, and impulse belonged to the previous epoch. To the earlier Lecture Rooms and Libraries was then added a spacious building for carrying on the business and legal affairs of the University. In 1683 arose close by (thanks to the liberality of Archbishop Sheldon and the genius of Wren) the magnificent Theatre for the great academic solemnities —a building such as no other University or Corporation in Europe besides can exhibit. Near it was built in 1685 the Ashmolean Museum, less important as an architectural ornament, than as a signal increase (in that age) of the scientific resources of the University. In 1632 the Botanical Garden was instituted, and the Arundel Marbles in 1677—

* Wadham College in 1613 —Pembroke College in 1624— Hertford College in 1710 and Worcester College in 1714. I have already stated why I include these two latter in this division. The Stuart period continued on at Oxford *at least* to the Hanoverian succession. It is very awkward, that real life will not everywhere conform itself to the Chronological dates—but what is to be done? Hertford College was only very scantily endowed, never prospered properly, and was completely closed in 1805.

to say nothing of the literary treasures of every kind ever pouring into the Bodleian Library by presents and legacies.

With all this came new Professorships: that of Natural History in 1618; of Geometry in 1619; of Moral Philosophy in 1621; of Ancient History in 1622; of Anatomy in 1626; of Music in 1626; of Botany (in connexion with the Botanical Garden) in 1632; of Arabic in 1636; and of Poetry in 1708.* A University Press, founded in 1672, and considerably extended in 1714 by the liberality of Lord Chancellor Clarendon, (whose name it bears,) admirably closes the list.†

Cambridge in the same period, besides additions to the Library, and the establishment of an academic printing press, can boast of the foundation of only a *few* Professorships; namely, that of Arabic in 1632; of Mathematics in 1663; and of Casuistry

* Camden, Saville, Laud and Aldrich were the principal benefactors of the University in this respect.

† There can be no doubt that the earliest Printing presses at the Universities were placed under the academic jurisdiction and censorship: but there is no mention of any *University* press before 1672. That which was then established by the University with the help of private contributions, was worked after the building of the Sheldon Theatre, in its lofts and cellars. By the profits of the Clarendon History of the Civil Wars, which the Author presented to the University, the establishment was extended; and was placed in 1714 in a new and superb building, in which it still remains. (Chalmers, ii. 468.) [Prof. Huber does not seem to be aware that this "superb building" was at length found quite inadequate to the vast business carried on; and that about twelve years ago a much larger and very noble structure was erected to accommodate the printers and their presses.]

in 1683.* But this comparative poverty is, after all, an honor to Cambridge; since, as we shall shortly see, the intellectual results at Oxford were very far from proportional to her material resources. And this leads us to treat of the scientific and moral growth of both Universities in the seventeenth century.

Internal History.

§ 202. *Moral and spiritual characteristics of the Episcopal Church in the seventeenth century.*

In entering upon this subject, we are first struck by the little attention paid to intellectual interests, in comparison to those of religious party. The principal object of the day, was, to harmonize the Universities according to the principles then ruling in Church and State; and yet more, to fit them to diffuse an education which should engender and support those principles. Naturally however, the Church succeeded in this better than the State,

* The foundation of several Professorships by the University in 1702 *cannot* be included here, for the same reason that the foundation of Worcester College, Oxford, in 1714 ought to be. The new age had decidedly commenced for Cambridge in 1702, whilst Oxford for a length of time belonged more to the old. Additions to the Library are mentioned in a decision of the Senate in 1667 (v. Dyer's Privileges) which gives at the same time but a sorry picture of the whole establishment. I am not able to assign the precise date of the rise of the Cambridge Press. If we may judge by a Privilege of 1535, a printing office was first established at Cambridge then. (v. Dyer's Privileges, i. 107.)

since at the Universities the permanent residents were chiefly ecclesiastics. Our most important point therefore, is to determine the character of the then dominating Church.

In her character we find some peculiar contradictions, and a strangely fluctuating aspect. On the one hand, she was struggling to shake off the coarseness, confusion, indifference and wildness of the Elizabethan period; and to rise to a more dignified elevation, reposing on religious, moral and intellectual foundations. On the other hand, we see in these praiseworthy efforts,— only too often, — a mere outward formalism, devoid of all deep-seated and hallowed spirit, and not worked out according to any living principle of inward and thoughtful consciousness; indeed, too much mingled with many extraneous, worldly, and even immoral and unchristian matters. The chief source of these defilements of the Anglican Church, appears to be, *its connexion with the State;* or else, with Royalty, that is to say, *with the King and Court.* This connexion arose out of the course taken by the Reformation in England; which established on principle, that the highest* powers of the Church must be decisively vested in the Crown. If the evils, which afterwards occurred, did not *inevitably* proceed from this heterogeneous union, they were at least very much promoted by the manifold abuses and mistakes connected with it.

* [Der höchsten kirklichen Gewalt.]

The chief fault, however, lay in the Church herself, inasmuch as, during the decisive period under Elizabeth, she neglected placing herself, in contrast to the various sects, upon an elevation of higher dignity and rightfulness than a union with the Crown could confer. In proportion, then, as those sects offered to the religious wants of the time the food which they in vain sought for in the ruling Church, the Church became more and more dependent upon the Crown and courtiers,—upon the World and its powers; and lost at last even the consciousness of her co-ordinate independence, and of the rights and duties which lay in her aristocratic constitution. When she afterwards sought to regain strength and dignity, she could not divest herself of those fetters. When she tried to remedy the evil, by extolling and celebrating her happy portion, and more especially by glorifying Royalty as her chief stay and pivot; insurmountable difficulties arose from the total want of worth in the then living monarch. On the political theatre there was the same inordinate desire to push to their theoretical extremes the claims of monarchy and to publish them upon every occasion. But the Church, as the nobler and purer organ, was less able than the State, to undergo this profanation without serious detriment: for the principle, *corruptio optimi fit pessima,* is always true. Even had the person of the sovereign been the very noblest, the idolatrous worship then paid to him by the Church would

have been a matter of the deepest reproach: but what is to be thought of the Church proclaiming, that in *James the First* all the legendary excellences of Solomon existed? what, of her setting up such a prince for idolatrous reverence?—Let it not be said, that this was the folly or baseness of only some few servants of the Church. No: it was the language of the Church herself: and if it was not her true feeling, her conviction; so much the worse! This kind of loyalty was not, it is true, proclaimed as precisely "necessary to salvation:" but any other language or attitude, better suited to a free man and Christian and to the claims of truth, would have been considered as in the highest degree offensive and suspicious. Far as wilful self deception may sometimes go, it is incredible that there was here any accord between words and convictions. The poison of hypocritical flattery, with the curse inseparable from it, pervaded the whole life of the Church.

Connected with the above, was another cause tending to confirm this internal inconsistency and unsoundness in the position of the Anglican Church. This was, the opposition between the *avowed* strongly Calvinistic dogma of the Church, and that which might be called its *secret* doctrine of Arminianism; which in many points went even further, approaching either to Socinianism or to Catholicism.* This,

* I am well aware that this had less to do with doctrine, than to discipline, constitution and ceremonies. Yet assuredly at the bottom of these outward points of opposition, lay those original, internal, doctrinal ones.

as well as the other morbid matter, had found a *nidus* in the Church in the previous period; but each sort now became farther developed, both by its own vitality, and through the weakening of many influences which had before partially served as an antidote.* It was impossible even for excellent men to escape this impure contact, without altogether withdrawing from public life. If nobler natures contrived to idealize many things and thus imbue them with the colors of their own mind, yet it is the baser interests which always find their chief profit in such a state of affairs.

Into how false a position it threw the Church; and how it crippled every effort after good; I cannot now more closely detail. But let us turn to the results wrought out by all the above upon the academic life.

§ 203. *General Results on the* morale *of the Universities.*

It will not cause surprise, that the rulers of the land now sought to make the Universities an organ for diffusing rather a moral influence than an intellectual cultivation. It was *paramount*, in their view, to propagate the right Church-and-State-principles. If, at the same time, scientific culture was attainable, they did not exclude it, so that it were

* See note (45) at the end.

made *secondary*: but on such terms, learning could not really flourish.

We must however inquire what was the approved orthodoxy of that day. First, we may presume, all that is indispensable to Christianity itself; but next and *most especially*, all that was of the Anglican Church, as contrasted with Nonconformity. So likewise as to academic discipline. It enjoined, first, all that Christian morality everywhere and always demands: next, a certain dignity, if not pomp, of outward appearance, suited to the essence and tendency of the Anglican Church, not only in the public worship of the Universities and their numerous scholastic solemnities, but in the very costume. Two extremes were to be avoided:—on the one hand the gaiety of worldly fashion, which in the preceding century had transplanted the manners and immoralities of the Capital into the soil of Oxford and Cambridge:— on the other hand, that dry, dark and pinching rigorism of the Puritans, which rejected all the external grace and dignity, all the adornment, of life. A just mean was the more difficult to attain, especially in the services of the Church, from the danger of seeming to imitate the Catholic ceremonial. In all extra-ecclesiastical matters, they had only to restore the old customs; as, the dresses of the different faculties and degrees, the public scholastic exercises and solemnities, &c.

We do not ourselves regard these matters as

indifferent; but they were sadly overvalued and overdone by an injurious petty pedantry. No wonder; when we think of the exaggerated efforts made by the ruling Church after outward conformity, and recollect who were the men who exercised the chief influence on this whole reform — James I. and Laud. Yet we might justly wonder at the fact, that, under pretence of discipline, the pleasures and enjoyments of youth were cramped with (one may say) a puritanical rigorism, quite out of keeping wiith the Court principles.* It is indeed a mistake, always seductive, to think that moral purity is more needed in academic than in general life. But at that time there was, besides, a reaction against the profligacy of the Elizabethan era: nor can it be denied that a frivolous pedantry also was here actively at work. As for James I., he was in every business both little-minded and silly; alternately zealous, to enforce rigor and purity in the academic morals, to banish the profligate tobacco-smoke from the academic atmosphere, and to encourage pranks and sports among the country folk.

As regards the intellectual duties of the Universities, the ruling Church neither undervalued them,

* A living picture of the contrast between the latter Cavaliers and Roundheads has been drawn in the admirable works of modern fiction. This contrast is found not only much further back than the names, but exists in prolonged echo to the present day. It is well known what trouble James I. gave himself to elevate his "Book of Sports" into a book of laws, and almost into a creed.

nor was hostile to them. In fact she here abandoned and opposed one tendency of the Reformation; which had been, to slight all other studies for Theology: and (*formally* at least) patronized every study, which in those days was recognized in any University at all. All *real* patronage, as the founding of new Professorships, came, it is true, solely from individuals. Yet these individuals acted in the spirit of their times, and their actions were received with sympathy by the Universities. We cannot question the cordial desire of both Church and State for the intellectual welfare of the Universities, when we see their many attempts to give an impulse to learning, and to regenerate the academic life. In reference of this, we have now to consider first, the means applied; next, the results obtained.

§ 204. *Test Oaths introduced at the Universities.*

The character of the previous period will show, that no sudden and vigorous reform could be thought of; but only progress along the path already taken. In Oxford, from the era of Leicester's death, but yet earlier in Cambridge, all formal and official resistance to the Anglican Church-and-State system vanished. Any opposition which might still exist worked only in secret. But the High Church now sought to expel all those uncongenial influences, and to get rid of anomalies, for ever. The attempt was not new; but the

management was in part new. Time had taught the method of proposing TEST OATHS to the Clergy and to the holders of academic station; in which way all *sincere* Nonconformists were made to eject themselves.* Nonconformists *allowed* the legitimacy of the ruling Church: they could not complain, if she took her own measures to expel what she deemed injurious influences. Catholics *denied* her legitimacy: they hereby justified her active hostility against them, in the sacred right of self-defence. The sanctity of an oath might seem to be a weapon of high moral power: but unhappily, it presupposed conscientiousness in the individuals expelled by it, and the system tended directly to sap sincerity and truth. This danger became the more imminent, in proportion as the religious impulse of the Reformation was spent. The temptation to a false subscription was heightened, by its being so short, easy, and infallible a means of attaining the end sought: and modern times abundantly prove that the result has been what might have been expected. At first, however, the test oath worked, at the Universities at least, with great

* The Catholic Church at all times, and also at the English Universities, possessed *similar* means of excluding and expelling heretics and heresies. It is surprising that modern Reformers suppose these things not to have existed at Oxford and Cambridge till the seventeenth century, because the form and the expression were different before. [Perhaps the sentiment of modern Reformers would be more truly stated, by saying, that they complain of it as a recent injustice, that the toleration in the Universities is *narrower than in the nation*; even narrower than *in the Church-communion*; and than *in the House of Lords*.]

success,—and perhaps with as much success as is ever possible,—in excluding all whom it was meant to exclude.

The Catholics were sufficiently excluded, first, by their inability to swear, conscientiously to observe the *reformed* Statutes of any one College, or of the University as a whole, or the regulations respecting divine service;—next, by the oath of Supremacy, originally prescribed only to such members of the University as were entitled to vote, but extended in 1610 to all the academic citizens.* Those, certainly, who were not to be bound by *any* such oaths, could not be refused admission. If while within the University bounds, their own words and actions convicted them of falsity, they might be expelled without trouble, or else, punished by Common Law or by the University Statutes. When so few cases of the kind are mentioned, it is clearly unjust to impute want of principle in this respect to the whole Catholic Church. Such reproaches are in fact directly contradicted by the whole system of test oaths.†

* That the Vice-Chancellor, the Heads of the Colleges, the Proctors, and afterwards the Masters took this oath upon their promotion; is evident from what is said by Wood on the subject under the year 1610. It is not very clear to me when *this* oath was first regularly introduced, and whether it was then made to be one of the conditions of matriculation or only in the Statutes of 1636. There exists no testimony respecting the time of the introduction of these measures into Cambridge: it was doubtless about the same period.

† By the Elizabethan Statutes for Cambridge (chap. xv.) all propagation of doctrines, not in conformity with the Thirty-nine Articles of the Anglican Church, was, after repeated remonstrance, to be punished by expulsion. It is evident from

Be that as it may, the approaches to academic life were sufficiently closed against the Catholics, directly after the first decided victories gained by the Reformation. The main effort was now to keep out the Protestant sectarians. Various steps had already been taken to eject them from the ministry of the Church. In 1562 the Thirty-nine Articles were enacted, without subscribing which, no one could be ordained or hold a Church benefice. But these did not exclude Puritans, who accepted the doctrine of the Church, although they disapproved of its constitution and discipline. Against the Puritans therefore was forged a new and formidable weapon,—the Three Articles of the Thirty-sixth Canon, enacted in 1604; to subscribe which was made essential to the academic degree, and thereby to the academic franchise.

James I. followed up the affair personally with the greatest zeal: and after a few preparatory steps, the decisions by Statute in 1616, and 1617, met his wishes.* In Oxford, matters went still further. A literal subscription to the Thirty-nine Articles was made a prerequisite for matriculation, as though to ward off heterodox influences even from the extremest threshold of the academic ground. At both

Wood, that similar regulations existed at Oxford. It has been remarked very justly in our days also, how odious and ridiculous it is to refuse to the Catholics, on the one hand, their civil rights, on account of their supposed principle,—"*hereticis fides non servanda,*" and on the other hand to prescribe oaths to them as though they would be too conscientious to swear them.

* See Note (46) at the end.

the Universities the measures taken were equally decisive; but the excess of Anglican zeal at Oxford indicates a spirit which was sure to tell in the *execution* of the laws; and it was on this, properly speaking, that every thing depended. This difference is the more striking, because, some years before, the posture of things was the very reverse. We have seen, that in Leicester's time, the Puritans were stronger in Oxford than in Cambridge; although at the latter University they formed no contemptible minority. But now, the Puritan minority at Cambridge must have seemed large: and, (in comparison to the Arch-Anglican Oxford,) Cambridge, who upon the whole had but remained true to herself, appeared to have a Puritanical tinge. Indeed, the Puritans there, never, except during the Commonwealth, obtained a preponderance or even an equal weight: yet they did succeed in exercising an administrative, though not a legislative or judicial influence. The greater vacillation of sentiment in Oxford, is evidently due to the fact, that during half a generation she suffered, *from without*, a more direct, continued, and powerful influence, than was ever exercised upon Cambridge. The latter remained at all periods much more in the background, and was less affected for good or evil, by the ruling powers of the time.

The central position of Oxford had gained for her the patronage of Wolsey and of Leicester, and now drew on her the strongest efforts of Archbishop

Laud to undo what Leicester had done. The meddling King might talk and write, and receive flattery for the sham reforms of a petty kind which he had wrought at Oxford: but a crowned head and a sceptred hand could never carry out general principles, with the energy which a statesman, like Leicester or Laud, lends to a work on which he concentrates his mind. Though Cambridge likewise obtained her Chancellors from among the most distinguished men of the land: none of these were actuated by Laud's spirit; nor had any of them an influence at Court to compare with his, especially after his elevation to be Archbishop and Primate in 1633.* Cambridge, consequently, is less prominent in our narrative. The scantiness of the existing accounts itself testifies her inferior importance, and deprives us of all but the most general outlines of her condition at the time. What there are, seem to imply the same prevailing principles as at Oxford, only less strenuously and consistently carried out.†

* The all-powerful favorite Buckingham was chosen Chancellor, it is true, in 1627, at the earnest intercession of the King, with a majority of three votes; but he was murdered in 1628. His successor, as far as I can make out, was Lord Holland, whose fluctuating policy (which inclined however upon the whole rather to the Puritanical and Parliamentary side) was probably also not without its effect.

† I have been able to find nothing respecting the *internal* history of Cambridge at this period except Dyer's Hist. of the Univ. of C., which, like every thing else of his, is most intolerably confused and frivolous. Nor have I been able to find any very valuable booty in any of the biographical and historical works which have fallen into my hands. The most important notices are the decisions of the Senate and Royal letters communicated in Dyer's Privileges (i. 213, &c.): but even these, beyond the result already mentioned, give no details which need especial mention.

The reform of the Cambridge statutes in Elizabeth's reign, closed the door, to a great extent, against further innovations. But the confusion brought in at Oxford by Leicester's influence, seemed to make it a duty in his successors to attempt reform; and it was executed in the spirit of the times. As we proceed, accordingly, we find the interest of the subject to concentrate itself almost entirely upon Oxford.

§ 205. *Laud, as a University Reformer.*

Our investigation is simplified by the fact, that the main changes were brought about by the influence of one man and his adherents; while the chief results centre in a single Act of the University corporation.

The Act referred-to is contained in the statutes of 1636, which remain valid to this moment in all essential points, at least in form, and which are very rightly named by some after Laud, although more generally after his Royal Master. Laud's influence in Oxford was at its zenith from 1630 to 1636; having been elected Chancellor at the earlier epoch, and raised to the Archiepiscopate at the latter: but he had taken the most active, direct, and often decisive part in all academic matters for nearly twenty years.* To attain a correct view of

* Laud became a scholar of St. John's College in 1590, was a Fellow from 1593 to 1610, and Master of the College from 1611 to 1621. He was Proctor in 1603, and elected upon all important committees from the year 1616. Wood makes express mention of his influence upon the decision of the University respecting the subscription of the three articles in 1617.

BRANCH
OF TH
ASIATIC SOC

WILLIAM LAUD.

Archbishop of Canterbury
and Chancellor of Oxford

Laud's reform, we must beware of assuming that it was a revolution wrought by power from *without* and from *above*, without a free co-operation from *within*. On the contrary, we see traces of a stirring spirit of freedom, congenial to the republican constitution of the University.

Laud was not forced-in by arbitrary power, to introduce his own, or any foreign system: still less was he a State-official, an emblem of some dead abstraction, [such as the Public Wisdom or Public Instruction.*] On the contrary he was a Head proceeding out of the University itself, and in a most genuine sense its representative. Whether with the support of the Royal favor, he might have been *able* to act despotically, we need not examine, since he did not make the trial. He confined himself to the lawful use of his powers as Chancellor; his only innovation consisting in this, that even when not personally in Oxford, he continued to superintend University-affairs in detail. This was surely a constitutional proceeding, however it may have gone beyond the zeal of his predecessors in office.† His influence was based on his thorough

* [We venture to introduce the words in brackets, which we presume to be Prof. Huber's meaning. Whether he is correct, may admit of dispute. It may be argued, that the *Church* is an abstraction, (and often a "dead" abstraction,) quite as much as the *State*, or the *Public Wisdom*.]

† Laud, upon first entering upon the office of Chancellor, made the arrangement that the Vice-Chancellor should deliver over to him once a week a detailed account of the University affairs. How different was this from the system of secret informations and intrigues pursued in Leicester's time!

concord, ecclesiastical and political, with the leading academic authorities; which concord was, not the consequence, but the cause, of his elevation to the post of Chancellor. In his administration, party-questions of course had their share; but beside these, his undeniably useful reforms in study and discipline, and his intelligent, generous patronage* of the Universities, upon all occasions, entitled him to affection and respect from all academicians, who were not perverted by party passion or incapable of gratitude. That servile dependence and arbitrary authority were alike unthought of, is evident, not only from the mode in which the revision of the Statutes was conducted and from other minor traits, but from the decided opposition which the University offered, when, in 1635, he tried to establish his right of *Visitation* in the character of Archbishop and Primate. This touched him on his most sensitive point. It was pretty clear that the University was wrong; and he might have proceeded to frighten it into submission by an abuse of his prerogatives as Chancellor: but he allowed the affair to take its undisturbed course before the

* The presents in manuscripts and books, which the University-Library owed to the Chancellor, as well as his whole correspondence with the University, prove his liberality, his care in the most minute details, and the excellent and honorable character of this intercourse. We have already mentioned the Arabic Professorship founded by him. The new Convocation house was also built chiefly at his expense. St. John's College was likewise indebted to his bounty for many new structures, as well as for presents of every kind to the value of many thousands.

highest Courts of Justice: and when judgment had been given most decidedly in his favor, he did not once use his right; nor did he afterwards show any symptom of ill will. Nevertheless, the University decidedly refused to allow him to have* out of the Library a volume with original records, which he greatly desired to see; though, but a short time before, he had presented the library with nearly six hundred valuable Arabic, Hebrew, Latin, and Greek manuscripts. This moreover was by no means his last present.

It may well be inferred, that in the constitutional changes which now ensued, the personal views of the Chancellor were influential; still more, the principles of his party.—As to the former, we need but to remind our readers of certain well known facts. In spite of many natural weaknesses, and many unavoidable impurities which attached to him as Politician and Courtier; even his bitterest enemies, who allowed him to atone on the scaffold for his public measures, recognized his personal honor and private worth. A certain mixture of the melancholy and the sanguine element appears however to have been the foundation of his nature. The affectionate tenderness and susceptible irritability which are the results of such a combination, are very compatible with the systematic and uncalculating severity of political opposition; nay, and

* [It is against the fundamental laws of the Bodleian Library, to allow books to be taken *out* to read. This probably will explain the passage in the text.]

sometimes lead to it. Analogous characters may be found in our own times, although with us every thing is more in the bud. Laud's death was worthy of a martyr for the best of causes; though we do not mean to say that *his cause* was one of the best. It was an effort to save the claims of Monarchy, without much caring for Popular rights, which had gradually become irreconcilable with the other: and this is in Laud an unpardonable mistake, in the eyes of that after-wisdom, which deals as though it were the easiest thing in the world to adjust the claims* of the *goat* and *cabbage*.—His political character may be judged of, by what has been already said respecting the ruling Church, whose Head he was. From the University entrusted to his superintendence, he was expected to exclude all hostile persons and heterogeneous sentiments, and to create within it an active intellectual spirit, congenial to the principles of the party. To this end, a long series of measures was enacted, the main substance of which appeared in the statutes of 1636; and in this way Oxford arrived at the point which Cambridge attained much earlier.

§ 206. *Resistance to the Reform, on the part of the Puritans and of others.*

That manifold and great difficulties were encountered, is plain from the extreme slowness

* [The Author's words are, *épargner les choux et la chèvre.*]

with which the reform proceeded, dragging on through almost a whole generation, and hampered by retrogressions and recommencements of various kinds. In the first place it had to struggle with the follies, disorders and lawlessness of the academic youth, accustomed to every licence, ever since, in Leicester's administration,* the barriers of University-discipline had been swept down by the connivance of self-interested hypocrisy. The numbers also, which by now amounted to a full average of 2500, increased the difficulty.† It is possible that there was also an inclination toward pedantic rigorism, on the part of the well meaning men, upon whom the heavy lot fell to cleanse this Augean stable of Leicester: an extreme which may be explained but not justified, by the enormity of the mischief to be subdued. How great indeed was the evil, and how many the vain attempts to stop it, we have abundant evidence: but it contains too few characteristic traits to claim any detailed notice from us here.‡ Moreover, the introduction of the test-oaths had not got rid of all opponents to the

* If the letter of the [University] law may be considered too severe and narrow-minded, it is well known, however, that the practice in real life forms a mild palliative. A *minimum*, however, was necessary as a starting point.

† The numbers above given are taken from a detailed notice in the "Oxoniana." There is a contradiction in Wood's accounts upon this subject which can only be explained by a mistake in the print. I ought to remark, however, that these numbers refer only to the real members of the University, Fellows, Graduates, and Under-Graduates, and not to that mass of *plebes academicæ*, which swelled to so many thousands in the middle ages.

‡ See Note (47) at the end.

ruling party; nay, it left behind by far the most dangerous, that is to say, the most cunning and concealed. Their total exclusion could only be a final result of a long and strict enforcement of those statutes, which in their turn would not be enforced strictly without these general disciplinary reforms. Indeed, supposing the Puritan and Catholic *youth* to be successfully kept out, yet no one could prevent *Graduates*, in or out of residence, from becoming converts to their sentiments: meanwhile, the University franchise was retained by such with their Master's degree. Nor is the influence on the scholars, exercised by the Puritan laity, such as the townspeople, to be overlooked, for the intellectual activity of the party was by no means confined to the clergy or the learned. Secret or open Puritans were likely to stir up resistance to these reforms; and if in so doing, they came into contradiction with their own rigoristic morality, they may possibly have excused their demagogic behaviour, as a necessary result of their opponents' monopolizing of power. We need not wonder then, if a large body of the academic youth had sympathy with the Puritans, without at all adopting their sentiments and practices. Most of them with youthful levity, carried extravagance and disorder into these serious matters; nor is it improbable that this was politically serviceable on some occasions, especially in the elections.

§ 207. *Pleas for the Puritans.*

If it be undeniable that the University Puritans both now and under Leicester's patronage — and even in the first reformationary visitation — exercised a very injurious influence both upon intellect and upon morals; yet this was primarily from their being in the minority and in opposition. Every oppressed and persecuted party, under similar circumstances has recourse to similar means. Moreover, none but the extremes of the party, can be reproached with inveterate hostility towards learning in many of its branches: nor were the Puritans without men, who stood at least upon a level with the best of their opponents, in learning, piety and purity of life; though themselves in a minority, as regards learning, amid their own body. But the chief point to be considered, is, whether their opposition to the ruling powers had or had not any higher moral justification; and this question must be answered in the affirmative. Their justification is found in the defects of the other party; of which defects some were essentially innate, some were incidental to their position: and as we have already in part noticed them, the following is all that need be added here.

The Puritans complained that their opponents themselves followed, and were compelling all besides to follow, a path which *might*, and perhaps

must lead, either to Indifference or to Catholicism; and this, without giving any guarantee, ever so general or rough, against such an event. In this reproach lay a very serious truth, which was presently confirmed in isolated, yet very important, instances; as in more recent times by widely-spread phenomena. We grant that there was spiteful and senseless exaggeration of the danger; but that does not alter the substance of truth. Besides, many proceedings may have no connection in the conscious intentions of the immediate agents, — in fact, may have no necessary connection at all, — with a hateful end and aim; and yet there exists a certain party-instinct, which may divine that they will, under the circumstances of the day, infallibly promote that end and aim. Substantially and in practice, this instinct seldom errs; though it can decide little in the abstract, and can yet less guarantee us against the evils and dangers innate to its own party. We need not here inquire, whether there is any real, natural, necessary tangle in man and man's affairs, (at least while our view is confined to the sphere of profane history,) making it impossible to avoid at once the opposing evils. That hitherto however, no political or ecclesiastical party has succeeded in attaining or maintaining the happy position, is a lesson of History, which is apt to be neglected, because it is so obvious.

Whatever may be affected to the contrary, the

conversion to Catholicism of the last Stuarts and of many others, was no isolated and purely personal phenomenon. For personal peculiarities allowance must no doubt be made, in regard to this extreme step: but surely they must equally be considered in regard to the whole path which led to that extreme. Laud, for instance, was no Catholic; yet his whole nature and education, was in close affinity to the Anglican High-Church, and therefore *tended* to Catholicism. Should the after-history of the Church, be seriously advanced as an objection to this view, I reply: She has certainly avoided the *Scylla* of Catholicism: but (to say nothing of Arminianism) has she also avoided the Charybdis of Indifference, of apostacy from the fundamental principles of the Reformation, nay, of Christianity? Those only who are themselves included in this apostacy, would say that she has escaped it. But even these admit (yea boast) that Unitarianism, for instance, though openly avowed by few, is secretly* held by vast numbers, nominally members of the Church — to say nothing of broad Indifference. These two classes, however, form the great majority of the Anglican Church. Nor must we overlook the fact, that the reaction in Christian feeling and

* [The Author speaks, not of the clergy, but of the mixed mass vaguely called "members" of the Church of England. Yet even so, on the head of Unitarianism, English readers will probably judge his statement to be exceedingly exaggerated. Since the abolition of the Test Acts, avowed Unitarianism seems to have vanished from within the pale of the Church; and who can pretend to know that which is unavowed?]

desire against this break-up, not only swells the ranks of Protestant Dissenters with numerous deserters, not only leads back some to the Catholic Church, but even produces the strange phenomenon of a new Catholicizing Episcopalianism, the chief residence of which (not without reason or significance) is *Oxford*. I could not avoid pointing out these matters, even at this part of my work, as they are necessary for forming an unprejudiced judgment of the Puritanical opposition of *that* period to which we are here referring. What was the weak side of Puritanism, the peculiar poison innate in it, was evident even at that time, but far more when it assumed the upperhand.

§ 208. *Inflammatory proceedings of the Puritanical Party.*

The influence of the Puritans and of the democratic opposition in the Universities, is visible through the whole course of High-Church reforms, and was by no means confined to the controversies subsisting between the two parties, as to Church doctrine or Church discipline. Although the respectable champions of the Opposition might have been satisfied with publishing, from Pulpit or Chair, their convictions of the Arminian, Papistical, Socinian, and Epicurean leaven of the High-Church, its Prelates and its Teachers; yet we cannot draw any sharp line betwen them and their rude partizans,

whose scene of action was the streets and public places, or the tavern: whose weapons were provocation of every kind, satirical songs, lampoons, and (should need be) hooting* and fists.

The question also as to the lawfulness and the extent of resistance to the Government, which sooner or later forces itself upon all oppressed parties, was mooted in sermons and "theses" by imprudent or evil-minded persons. An instance of this occurred in the declamations of a certain Knighton, who openly vindicated the right (in certain cases) of armed resistance; and among other authorities, cited, spitefully enough, the King himself (James I.) who had just sent succour to La Rochelle against the authority of Louis XIII. James took up the affair very angrily: and the University issued a solemn condemnation of these "theses." Knighton was expelled, was carried off to London, and remained several years forgotten in prison, without trial or sentence! At last, Laud accidentally remembered him and had him set free, with many, doubtless very sincere, apologies, beside the gift of clothes and travelling money. In consequence however of all this, the ruling party not only assailed their opponents from the pulpit and professor's chair, but in other ways sought to silence or expel them.

* Examples of all these different modes of carrying on the party-war, are given in Wood. A combination of them all in one great tumult was occasioned, in 1631, by the Sermon to the Clergy, preached by a certain Ford, who from the pulpit, in very coarse terms, accused the Bishops of Arminianism, and of superstitious, popish rites.

Their success in such efforts, was certainly very slow: meanwhile, the prosecution exasperated all their most decided and dangerous opponents. Moreover, in the nation itself, Puritanical and Democratic principles advanced more and more, as the pretensions of the Crown developed themselves: and it became hence impossible to exclude these influences from the academic sphere. It is probable that no measures could have avoided a convulsion. When each of two extremes is obviously bad, it is a quiet and comfortable conclusion that there is an intermediate path which would tranquilize affairs. But unfortunately, there is many a crisis in which nothing can save; in which the *present* must atone for the sins and omissions of the *past;* in which no choice is left for the Cause and its Adherents, but to submit, defenceless and smiling, to be slaughtered;* — or to fall in honorable fight and not unrevenged. The false and foul *juste milieu* of Elizabeth, and the heedless unsteady to-and-fro fancies of James I. had left to Royalty and Episcopalianism under Charles I. no other choice. Such being the temper of the nation, such was the element which streamed into the Universities, or

* To be suffocated, poisoned, or starved; it is all one! [I presume that the Author means to say, that imprisonment and ejection from all means of gaining a livelihood, killed men by disease and starvation, as effectually and as miserably as if they had been beheaded or burned to death. It is stated that many thousands of the Nonconformists were destroyed in the former fashion by their relentless persecutor Lord Chancellor Clarendon: how many Catholics Elizabeth so destroyed, we must go to Catholic historians to hear.]

filtered in at least, in spite of the most active vigilance of the academic majority. It is really wonderful that any vigilance could keep the hostile minority so low; for it is certain that towards the end of this period the Puritanical element was decreasing at the Universities, though beyond their limits it kept increasing and spreading far and wide.

§ 209. *Reflections on the temper and motives of the Oxford majority.*

The truth is, that this majority was actuated by no mere petty self-interest, but by a genuine living party-spirit; — as appeared when the catastrophe broke out. No doubt, in the intercourse of the University with the grandees of the land, the disagreeable habit of doggish fawning and heathenish idolatry sadly predominated. As examples, we may refer to the Oxford letter of thanks to King James for his "Royal Gift" to their library; (Wood, 1618): and to the address of the University Orator to Charles I. which begins: (*ex unque leonem*) "Most divine king! although the resplendence of thy countenance," &c. &c. Yet not only must allowance be made for the flowery rhetoric of academic Latin, but it would certainly be very unjust to infer from these extravagances, that there was a general untruth in the professions of the University. Facts sufficiently prove, that this flummery was a mere bad

habit, by no means excluding sounder and more solid feelings.

The principles and behaviour of this academic majority may be differently estimated by different judges. At any rate we learn this lesson: that if true and living feeling is to exist in a corporation, it must grow up from within and cannot be imposed from without: for which reason we needed so largely to unfold Laud's real relation to the University.

§ 219. *The* CYCLE *of the Proctors introduced at Oxford.*

In the year 1628, in imitation of Cambridge, the election of the Oxford Proctors was transferred from the mass of the voting members of the University to colleges in pairs, according to a fixed cycle.* After what has been already said, we need not again insist that this measure was the key-stone of the academic oligarchy, and an indispensable condition of any thorough reform of discipline. All that we have stated in this respect concerning Cambridge, was yet more true of Oxford; because the phenomena of the latter were on a greater scale and more complicated. In 1627, the election tumults reached such a pitch, that to withhold a

* The election of *Lectors*, Scrutineers, and some other University officers, was also transferred at the same time (in imitation of Cambridge) to the Colleges and arranged according to the same cycle.

remedy was to confess some secret interest in the disorder: and thus arose the College Cycle of 1628. Two years afterwards, as we have already seen, Laud was promoted to the post of Chancellor by the increasing favor of the King. Six years more, however, passed-by in difficulties of various kinds, before the Statutes, called *Caroline* after King Charles, could be drawn up completely, and be accepted formally by the University. A royal ordinance then established the hard-earned academical rights: and a royal visit followed, which, considering the personal worth of Charles I. could not be without its influence upon the opinions and feelings of the resident members.

§ 211. *General Statements concerning the new* (Caroline) *Statutes.*

A detailed account of these Statutes does not belong to this part of our work:* as to their contents and character, we only need to repeat the remarks already made upon the Cambridge Statutes of 1571. Like these, they neither were, nor intended to be, any essential innovation: they were rather a selection, compilation and arrangement of existing laws, customs, rights and regulations. We cannot wonder that they were opposed by the

* They will be mentioned in the account which follows of the academic constitution. I refer my readers at the same time, to Wood, who is the only source of information.

minority, and did not wholly satisfy all the majority; but certainly they involved no violation of the rights or practice of the University. Less importance in fact, lay in their letter, than in the spirit from which they had proceeded, and by which they seemed destined to be carried out and perfected. For we need scarcely remark that these were no absolute and final measures, but left to the corporation all desirable room for future legislation.

In the above, we have had an eye chiefly to the *constitution* and *discipline* of the University; but what we have said, is yet more emphatically true in regard to the academic *studies*. The Statutes of Edward and of Mary form their more immediate and principal foundation; the former with reference to the studies, the latter with respect to the academic dignities and the public exercises which led to them. Even Mary's Statutes do but sanction what was derived from an earlier origin. Since that time however, new Professorships and other endowments had been added; out of which arose new interpretations of the old Statutes: and chiefly in consequence of this, many special new arrangements now received a formal sanction. Similar changes must ever lead to modifications in all public law; and in this sense, no statutes could ever be final.

§ 212. *A Public Examination becomes essential to the Degree at Oxford.*

It is indeed remarkable that by far the most important reform in the system of the studies since the revival of the classics, belongs to a supplementary statute of 1638* rather than to the statutes of 1636. This introduced a principle, recognized in Cambridge a whole century before, although perhaps never so extensively applied, but essentially new at Oxford; — viz. that of a real examination, as a preparation for the academic degree, the granting of which had until then depended upon a plurality of votes, although nominally upon the old scholastic exercises, which for a long time past were become a practical nullity.† The form of public disputation might indeed have been retained: and the stirring times would have furnished interesting topics in plenty, to take the place of the old scholastic questions. But the Heads of the party in power were far too wise to open such a field to the Opposition, who were already only too prompt and spirited in such displays.‡ In fact, the chief argument for regular examinations, we cannot

* V. Wood i. 346.

† Real examinations may have taken place in Oxford up to the thirteenth century: but they had completely fallen into disuse at all events after the end of this century.

‡ We have already mentioned the attempts made to discuss some very serious and critical questions, such for instance, as, the right of armed resistance to Authority. We may mention also the *Terræ filius* in connexion with this subject. I am not able to explain the origin of this fictitious personage: but it certainly possessed a sort of

doubt, was found in the political danger to be feared from a revival of the free disputations; a danger which was brought home to their feelings by actual instances of serious abuse. The new plan promised a surer standard of scientific qualification, and could be subjected to a much stricter control. Yet there was no thought of entirely setting aside the old system, connected as it was with the public oratorical exercises introduced by the Edwardian statutes. It was too congenial to the whole spirit and character of the ruling party, both for its historical reminiscences and its external solemnities. To this doubtless was added the well-grounded conviction, that it was by no means without its own advantages for the scientific cultivation of the University. But here again all depended upon the spirit in which it was actually carried out; and in this respect much, (in fact every thing,) was left to be desired. Instead of the two systems completing each other, as they might have done, they were left in a state, in which their defects, and their defects, only, were prominent; and in which the stagnation and decay of both was almost unavoidable. Still, it was of the greatest importance that at least this new germ should be planted, as it was indispensable, in fact, for the completion of the old system.

official and statutory authority of very ancient date. The name itself denotes a sort of Court-Fool privileged to speak his mind in opposition. This was generally done in the *quodlibetica*. It is very clear to what an extent such a custom as this might be carried and how easily, joke might be turned into bitter earnest.

§ 213. *Effects of the change.*

The new regulations referred solely to the studies and degrees in *Arts*, and were satisfactory enough for those times. The examination for the Bachelor's degree comprised only Grammar, Rhetoric, Logic, Moral Philosophy and Geometry.— As for Natural Philosophy, Metaphysics, Astronomy, Optics, History, and Geography, these were prescribed as necessary for a Master's degree: and in both examinations, a suitable knowledge of the Greek language and a perfect familiarity with the Latin were most strictly required.* This regulation is the more important, as it had been preceded by the foundation of new Professorships, and by better arrangements in the older ones which were still unendowed.† Considering, besides, the earlier Royal Professorships, the continual enrichment of the library, the foundation of new archæological institutions and Collections of Natural

* "*De utrisque autem explorandum quales in Geometria et lingua Græca progressus fecerit, maxime vero qua quisque polleat facultate animi sui sensa lingua Latina explicandi. Neque enim ad Artium Baccalauriatum, nisi qui congrue et prompte; nedum ad Magistri gradum, nisi qui commode et apte, in rebus* [*in*] *quotidiani usus, animi sui sensa lingua latina explicare valeat, admitti quemquam volumus.*" (Stat. Tit. ix. Sect ii. § 1.)

† We have already mentioned this regulation, at the Edwardian visitation. In the Caroline Statutes it is set down as follows: (I. iv. S. i, § 1.) *De lectoribus ad lecturas adhuc indotatas designandis.") "Lectores in Grammatica, Rhetorica, Logica, Metaphysica, ex Mag. Regent. vel non Regent. de biennio in biennium eligantur.*" The election was placed, according to the cycle of Proctors, in the hands of four Colleges—namely the two of the passing, and the two of the past year.

History, it is clear that, *externally and in form*, every thing was done which in that age was needed, not merely for studies in Arts, but for many others, such as Hebrew, Arabic, Music, and Botany.* That this was not *intended* to be form without fact, is to be fairly presumed: for such a complication of measures passed by a free corporation, appears in itself to guarantee the sincerity of the reform. This is confirmed by express accounts of the excitement and commotion produced (more especially by the introduction of the examination) even in the most sluggish part of the academicians.† Be it moreover remembered, that independently of what are strictly to be called *University*-Studies, the province of Arts fell exclusively to the care of the *Colleges*, each of which exhibited in its own sphere a similar reforming energy as to the character of its studies.

§ 214. *Partiality shown to the studies in Arts.*

Independently of this new stimulus, we may safely assume that Arts had for a long time, even

* See Note (48) at the end.

† Wood says, "After the examinations in learning had been noised abroad, it cannot be said how vast an esteem they begat of the academic training: and so formidable did they appear to holiday-loving youth, that there was one who preferred death to the dread of encountering them." That is, one unhappy fellow threw himself into the river, the day before his examination. Although this cannot be the place to enter generally into the Examination-question, yet, I cannot refrain from protesting against my accounts here of these reforms at Oxford being taken as an approval of the present rage for Examinations.

before the Reformation, possessed a very decided preponderance over the studies in the other Faculties. A yet greater disproportion was now inevitable, unless, *on the one hand,* great efforts were made to keep up Theology, Law and Medicine: or *on the other hand,* the course of the system itself changed in their favor. But neither alternative happened. In these Faculties, the old lectures and the old regulations were barely kept up. There certainly was an *intention* to introduce Examinations for the degrees in these departments also: but it was not carried into execution at the time, probably from jealousy of those studies and of their prevailing tendencies. Moreover, the real decision rested with the Heads of Houses, who evidently could not keep themselves clear of a predilection for the studies peculiar to the Colleges.* The effect of these local influences was the more inevitable and the less blameable, as it was so much in harmony with the general developement of things since the rise of the Colleges.

§ 215. *On the Studies in Law.*

I might here repeat much that has been already said. Matters, in fact had rather deteriorated than amended, since the sixteenth century: Roman law continued to decline, and was proportionably merged into a mere routine. The Courts of Justice,

* See Note (49) at the end.

the Offices of practising lawyers, and the Inns of Court, became more and more exclusively the High Schools of law, while the publications of such men as Coke (to say nothing of his predecessors Lyttelton and Fortescue) became the text books and authorities of Counsellors and Legislators.* Even the old studies of the Inns of Court, scanty and deficient as they must appear to a scientific eye, were not *practical* enough for the age, and gradually fell into complete disuse. It is true that in the reaction towards despotism under the Stuarts, lay an element kindred to Roman law:† but its importance has been much exaggerated, as though they had consciously plotted to use this science as their tool. Necessity, no doubt, led them to snatch at every weapon that might be momentarily serviceable, and chiefly at such principles of State-Law as they could find ready made. Had Monarchy, in the Roman sense, finally triumphed, the study of Civil Law might perhaps have sprung up at the Universities: but at the era of which we speak, the sole effect of pressing this study, would have been to embroil the academicians in discussions, which, of all things, the party in power most deprecated.

* We refer, not to the first appearance of such works, but to the period, when in consequence of repeated editions, &c., they may be considered as generally diffused works of reference.

† I request leave to refer my readers to an able and elegant book, which treats this point, instructively and intelligibly, within a very small compass, by C. F. Wurm, entitled "*De Jure legibus solvendi et dispensandi.*" (Hamburg 1837.) I need hardly refer to Hallam, &c.

§ 216. *Studies in Medicine.*

The case of Medical study was still more hopeless. Its prosperity depends on conditions, which the Universities either could not or would not fulfil; while in London and other great cities it was favored by institutions of various kinds, and had, comparatively, much facility in obtaining human* bodies, a deficiency in which was at the Universities an insurmountable difficulty. The more these studies expanded themselves, the more decidedly did they sink into the back ground at Oxford and Cambridge, till they became empty forms serving merely to get the degree.

§ 217. *Theological Studies.*

Theology might have been expected, in the midst of the ecclesiastical storms of the day, to have grown up a vigorous, though a one-sided, plant. Within the limits of formal orthodoxy, as theoretically recognized by the Anglican Church, there was both room and material for constructing a stately building of learning: but we can find none such at the Universities. Not that the isolated and literary efforts of divines were either uninfluential or

* See the statements (Dyer i. 360) of what happened about this time at Cambridge. [I think it right to leave this note, although it is not found *in loco*, (vol. ii. p. 160, of the German.) Not having the means of referring to Dyer, I cannot find out whether I have transposed it accidentally, or by the author's direction.]

without merit; but there was no systematic and scientific exposition of the doctrines of the Anglican Church, nay, nor any rudiments of such a thing, under the recognition of either Oxford or Cambridge. This deficiency is the more striking, the higher were the pretensions of those in power to the glory of restoring the Church, and the greater their activity or success in its outward and moral reform. 'Certainly the authorities of this period must bear the heavy responsibility of having excluded Theological studies from the Universities for many generations. After Leicester's profligate government, a decisive crisis at length came on under the era of Laud; when the course of Divinity was of necessity to be either excluded or reformed, and it is impossible now to deny, that destruction, not reconstruction, took place. Nor is this hard to explain. Eagerness for external conformity often gives a premium to hypocrisy; and Laud, with the Prelates and the whole party, while substantially Arminian, had to pay deference to the substantially Calvinistic system of the thirty-nine Articles. They might honorably have determined on one of three things; either, to profess Arminianism, and openly eject Calvinism; or, profess Calvinism, and openly eject Arminianism; or, openly embrace both into the Church, declaring the controversy to be a matter not for dogmatic decision, but for free learned inquiry. But they did none of the three. They chose to retain the letter of the Church

formulas in its integrity; and, so far from avowing Arminianism, treated as offensive its avowal by others. How then could they propound any learned and systematic course of Theology at the Universities? How would they have been able to evade, within the schools themselves, a shock of battle which they must have sincerely judged to be most pernicious? Not that men are definitely conscious of such thoughts; or make up clear reasons to themselves for what they do or leave undone: the inherent necessities of their position urge them, as if by instinct, along the track. And if the stormy times are pleaded in excuse for these failures, the fact must still not be forgotten, that Laud and his adherents are the men who effected that complete abolition of *scientific theology*, which is to this day so deeply marked a feature in the English* Universities.

A passage in the Statute of the year 1616 is characteristic enough, and might be used to exclude *every* scientific exposition, from pulpit or chair, offensive to those in power. "Whoever," it says, "explains any ordinance of our common faith otherwise than is defined by holy writ, or cherishes any opinion of strange and perverse doctrine, from which it may appear that he is *probably* given to

* Of course the *Colleges* could in no case take this in hand. The pupils are too young, and their time preoccupied with Arts. Occasional "dogmatic" sermons have been preached, and *in the very latest times* efforts have been made, to fill up the deficiency.

party designs . . ." is to be first warned and eventually punished. But this falls short of the *Royal* ordinances of January 16th 1629, which seem wilfully to have aimed at stopping *all* Theological discussion, even arguments on the side of orthodoxy, for fear of stimulating thought and feeling on the subject. Wood gives the following illustration (in 1630) of their effect:—One Master was punished for attacking the Synod of Dort; another for attacking the Arminian Prelates. His account manifestly shows how much the former case embarrassed Laud.—But again we ask, in such a state of things, how could orthodoxy herself train up a theological school?

The regulations however of 1616, did, upon parchment, every thing that could have been desired. Scholars were to study fundamentally the Holy Scriptures, the old Fathers and Councils, and the newest works published according to the principles of the Anglican Church:—nor have we ground to think that this was insincerely ordered. Indeed Article 7 of the *Royal* mandate runs as follows:—"Into the hands of Students in Theology, such authors shall be placed as agree in doctrine and discipline with the English Church. Such Students shall also be stirred up to bestow study on the same, and likewise on the Holy Fathers, the Councils, the Scholastic writers, Historians and Polemical divines; lest, if they cling too long to abridgments and digests, they lay but a sliding

foundation for Theological studies."— In the Statute founded on this Mandate the terms are more modest and distinct. "In the *Catechetical* lectures, usually held in the separate Colleges or Halls, let the thirty-nine Articles of the year 1572 be read: let them be expounded by texts of Holy Writ, and firmly corroborated by testimonies of Ancient Fathers and Councils." It is not hard to explain the difference between the King's Mandate and the Academic Statutes. The one displays royal pedantry, the other the practical good sense of actual teachers. A fact which may here be mentioned, is, that in 1636 Laud annexed a Canonry of Christ Church to the Hebrew Professorship, the study of Hebrew having been greatly neglected. But even if we were to allow that the study of that language afterwards became more flourishing, we yet could not admit that this was Theology. A desire perhaps existed to make the Universities nurseries of such learning; but there was a yet stronger desire to banish all excitement, collision, and offence; above all, whatever did not harmonize with the King's *own* Theology. They wanted to have Learning and Court Favor, both at once; Learning without even* limited Freedom. We need not inquire, whether the concession of Freedom within fixed bounds would have led to a breaking through the bounds; it is enough for us to know, that the

* *Unlimited* freedom has never and nowhere existed in a religious society.

result, in this as in all similar cases, was the same as if the desire had been to have no Learning. Whatever freedom was nominally given, was practically destroyed, and that, by processes strictly legal. But if the Heads and Tutors of the Colleges had *desired* to maintain a regulated freedom, it cannot be doubted that with the will a way might have been found.

Theology then, even in the most limited Anglican sense, could no more flourish as an academic study than Jurisprudence or Medicine. It is a sign of the times, that the three higher Faculties are not mentioned as Faculties in the new Statutes, although they are presupposed as branches of study. At an earlier period, traces are to be found of an effort after corporate organization of the Faculties; but henceforth it vanished.*

§ 218. *Quality of the Intellectual Instruction imparted, at both Universities.*

In detailing these *good wishes and efforts* for the Academic studies, we have kept Oxford principally in view; but in noticing *the results, as to quality,* we may comprehend Cambridge also. Although Cambridge got the start in the reform of her Statutes, and at this time the Puritan party was comparatively stronger in Cambridge, we have no facts to warrant the belief that many of the branches

* More will be said upon this subject in a subsequent chapter.

of study, such as the Theological and Physical, were there more flourishing. Excellent and upright *of its kind* as was the party-spirit of the academic majority, it will meet with no praise from modern views; because neither the public nor the cabinets of our day can forgive* local independence opposing itself to the central power. But we have no reason for doubting, (what in part has contemporary testimony,) that there was now a real amelioration of the University-morals in comparison with the previous period.† No one will wonder, after what has been already said, that all the accounts we can collect of the culture of Theology, Jurisprudence, and Medicine, are very scanty; only a matter of form, and merely of a negative nature. The absence of testimony decisively speaks to the emptiness of the topic.

* [The Author's remark is doubtless directed immediately to the views prevalent in Germany; and probably, when so applied, is well deserved. In England perhaps the prevailing fault is of the very opposite kind. Our love and experience of political freedom, familiarize us to the sight of local powers opposing themselves to the supreme government: if this be thought monstrous, liberty is monstrous; for to annihilate the rights of the minority, is to annihilate liberty. But our deep conviction and instinctive persuasion of this, leads us unduly to extend the principle to the case of a local or specific organ, which is enjoying national prerogatives or immunities, granted peculiarly to it for national purposes. To allow such a body permanently to oppose the central power, is to make over the rights of the whole people as the heritage and monopolize a corporation.]

† The praise bestowed by Wood in various passages appears the less equivocal, as he does not conceal facts which modify or restrict it, but complains from time to time (especially during the first half of the period) respecting the drunkenness and excesses committed at the Universities. And we cannot reasonably suppose him guilty of so stupid a contradiction.

In England, there was no want of learned Theologians: all of the High-Church divines came from the Universities; many indeed continued in connexion with them. In the present authorized translation of the Bible, executed under James, not fewer than twenty Theologians from the two Universities, with the addition of those appointed by the Chapter of Westminster, took part. But nothing of this can be alledged to prove that Theological studies existed at the Universities, as a source *open to all* and *prescribed to all divines.* It proves only that an excellent foundation was laid, both in sentiment and in the preparatory studies, particularly in the knowledge of the ancient languages, upon which individual talents were able afterwards to build their own edifice.* Of course it is impossible to show how far such persons were or were not indebted to the Universities for whatever they had of scientific literature.

Studies purely classical appear in a more favorable light. In this sphere also, it is true, we find no men of widely extended reputation; yet it is beyond question, that for a length of years, classical acquirements and feelings were considerable both in

* A little is said in Wood, and also with regard to Cambridge, respecting the juristic and medical studies: and that little in such a way, that it is evident that there was nothing but a few formal remains. As far as regards Theology, Wood, it is true, more than once (vid. for example, 1616) boasts of the expulsion of the Calvinistic by the Anglican Theology: but, this must mean that the Calvinistic opinions no longer found favorers, not that the opposite school had any scientific cultivation. I can find no details with regard to Cambridge.

quality and in quantity, (as things then went,) and were diffused very widely by the College instruction. That the College Tutors were not *celebrated* beyond their own limits, may prove that they did not write much, but will never prove that they did not teach much and ably. A few superior names indeed of that age from the English Universities survive to us, as Selden, Rous, Fell, Wase from Oxford; Gataker, Stanley from Cambridge; names which, as I happen to know, command the respect of philologists, more than those of their continental contemporaries whose works were influential in England. Hence we cannot infer from *Casaubon's* accidental stay in London, that this great scholar produced any effect on Oxford or Cambridge.

§ 219. *On Philosophy and the Sciences peculiarly Modern.*

It remains to glance at Philosophy, and its kindred studies in History, Natural History and Mathematics, during this period. As Professorships had been founded at Oxford, for Natural History, Botany and History, and the name of Bacon was rising to renown; we are naturally led to hope that his influence produced fruitful results at the Universities. That this, however, was not the case is proved, partly by the silence of those, who should have testified it, partly by many expressions of Bacon himself, who regarded the Universities

as the opponents of *his* learning, and declared a reform of them to be urgently necessary.* No doubt, the reform already in process either was or appeared incompatible with such a movement. In fact, since Bacon's Philosophy was for men of every sect, nation and age, not for the members of a dominant church; and was incapable of promoting the views of any one Church or any one political party; it may have appeared, or may really have been, hostile to the dogmatic Christian studies. Whether the neglect of the new philosophy by those in Authority, arose from simple ignorance, from preoccupation with other pursuits, or from an instinctive perception that it was dangerous to their cause,—or from all three influences together, —we leave undecided. Anyhow, no notice was taken of it in the University or Colleges; it acted solely through private and voluntary study, chiefly among the educated circles of the nation, and of course in individuals of the academic body. To speak *generally*, the Baconian sciences, have for their organs, freedom of speech and of the press; and are naturally opposed to the genius of the English academic instruction. Their cultivation *from without* always keeps far a-head of that *from within* the Universities; which slowly and cautiously, when at all, admit the principles of Bacon and Locke. At the times of which we speak, the philosophy taught at Oxford and Cambridge lifted

* See Note (50) at the end.

itself no higher than that lowest step of formalism, — a pseudo-Aristotelic logic.

§ 220. *On the University Studies and Discipline during the Commonwealth.*

To work out the academical system thus adopted by the English as a national peculiarity, would in any case have demanded nearly a full generation; during which it would be unreasonable to look for the fullgrown results. In fact, Laud's work was scarcely completed, when the civil war broke out; — no time for tranquil studies! But the overthrow of the Monarchy and of the Episcopate did not affect the outward frame of the Universities. It did but garrison them with new troops; — not strangers either; for their nucleus was the old minority, augmented now by the waverers. In the ten years of Republican usurpation, our expectations of improvement ought not to mount high: but in point of fact, full as much was effected, as could be at all reasonably looked for; — if we may judge by the scanty narratives, contained, partly in Dyer, partly in scattered historical and biographical notices of the times. Wood is universally a very bad witness as to the Puritan usurpation; yet even he confesses* that they had been unable to subdue the good tendencies inherent in the

* The passage is characteristic, but unfortunately I cannot again find it to quote.

Genius of the Place. There were indeed outcries* for fundamental reconstruction, on rather crude, intricate and arbitrary principles; but they seem never to have attained a shape practically important. Upon the whole, the studies and the discipline returned into the old track, that had been broken in upon by the civil disturbances, with the exception of whatever seemed to favor Episcopacy or Monarchy. Those matters however were chiefly mere outward forms, which fell into disuse of themselves. As for discipline, it was to be expected that the Puritans, when no longer in opposition, would bring in their own severity and moroseness: and this was accordingly done, to the greatest excess. All old customs, jokes and games, which (in the Colleges or elsewhere) had still been preserved, from the simpler and gayer times of the middle ages,—from the times, in fact of "merry† England," so long gone by—were scared away, not only by a morose spirit, but by the necessities, the distractions and the serious occupations of the times.‡ No new laws, however, were necessary

* See Note (51) at the end.

† [Our Author might perhaps have justly marked out the spread of Puritan opinions, as the era when England ceased to deserve the title *Merry*: for two simultaneous results have been produced. The old Romish holidays have been destroyed, and the poor have been forbidden to pursue active and manly sports on the Sunday. Between the two, our peasants and lower classes have nearly lost all days of recreation; our townspeople all athletic exercises. It is easier to see the evil, than to point out a satisfactory cure.]

‡ I cannot be required to give express and authentic evidence of these matters. In Wood's Autobiography (Th. Caisi Vindiciæ, etc. ed. Hearne, 1730.

for it; those already existing were fully sufficient, when strictly enforced. The same may be said, upon the whole, concerning the studies. We can find no trace of any new regulations whatever in this period: and there is no reason to suppose that the results were essentially either smaller or other than they were before.

§ 221. *Some improvement in Theological Studies under the greater Freedom of the Commonwealth.*

Some few changes may perhaps have taken place in the theological studies alone, but rather for the better than for the worse. This might be expected, since it was by no means the fanatical popular extreme of the anti-episcopalians which had the upperhand at the Universities; but a sort of intermediate party which was inclined to go as far as any of that day went, in allowing discussion

vol. ii.) mention is made of a comic ceremony upon the advancement of "Freshmen" to "Seniors" which formed one of the many Christmas pastimes, and took place before the great Yule fire. The Neophyte was forced to utter a quantity of jokes, for the general amusement, and had to expect, if they did not please, to be dipped in a tub of salt water, and be otherwise roughly handled. He had also to swear upon an old shoe "*tu jurabis quod pennylesse bench non visitabis*," *etc.* This pennyless bench was a stone seat before St. Martin's church, originally destined for the citizens to carry on their legal transactions, and afterwards only the rendez-vous of milk women and market-wives. Wood expressly states, that these jocular observances were done away with under the Usurpation and were not restored under the Restoration, and he is honest enough to confess, that he does not find, that any great amelioration was effected by it in the morals of the University.

within the doctrinal field of the Anglican Church, and unable to share in the fears entertained by its predecessors for all theological polemics. In this respect, at all events, Cromwell's Government permitted much more freedom than that of the Stuarts. And, whatever may be said to the contrary, controversy is absolutely requisite to any existence of learning, of which also it is a main indication; though its tone and its attitude will be taken from the age to which it belongs. We have at all events here sufficient proof that this greater freedom was not without its corresponding fruits.* The improvement which we have described, may, certainly be imputed, in great measure, to the personal qualities of those men, who had now the direction of the academic affairs: but we must also believe that the spirit of the new students, admitted by the abolition of the test oaths, acted in the same

* I set less value upon the general expressions of party-writers in this respect, than upon a trifling notice, which I have found in Dyer (Priv. ii. 547 and Hist. i. 116,) and from which it appears that in Cambridge at least, both the public theological lectures and the examinations were conducted with great zeal and much scientific spirit by the ex-Prof. Regius, Tuckney. These lectures were afterwards published with much success: and one of the most distinguished Anglican Theologians of the eighteenth century, Bishop Watson, found occasion to publish the *quæstiones* of that time, along with his own and those of the well-known Rutherford. Both of them occupied for a time the same post, which Tuckney had occupied under Cromwell, and lost in 1662 as Non-conformist. This is a single trait, but it is a very characteristic one, when we come to reflect upon it. We may also remark that Richard Cromwell, when Chancellor of Oxford, had the intention of adding a yearly salary of £100 to the Theological Professorship. This intended benefaction was frustrated by the Reformation.

direction. Indeed under all possible circumstances the noblest powers betake themselves to the central seats of learning, if allowed so to do.

But there is also another side of the matter which we ought not to overlook. When we find that under the new system no essential change of discipline and study was demanded, and that the fruits were much as before, and as good as could be expected, it is either prejudice and narrowness of mind, or wilful injustice, not to see that these regulations must have had an inherent excellence and appropriateness. And when a contemporary and an enemy of the Puritan usurpation, in acknowledging the praiseworthy conduct of the Puritan party at the Universities, ascribes it in part to a spirit pervading the academic atmosphere, he certainly does not say too much.

§ 222. *General description of the Intellectual State of the Universities from the Restoration to the Revolution.*

The less the Usurpation deviated at the Universities from the path which its predecessors had traced out and trod before it, the less were any essential changes to be hoped or feared in consequence of the Restoration. All that was done, was — as we have already seen — only a change in a few personal instances, and the restoration of the abolished or neglected external tokens of

the constitutional Monarchy and Episcopalianism — among which we must of course enumerate the celebrated TEST OATHS. The Universities, however, while remaining true to the path traced out, showed no inclination whatever to stop at the point at which they had arrived. The indiscriminate charges cast against them, of being indifferent to improvement, only manifest men's thoughtlessness and ill-will. Three branches of learning were permitted by the circumstances of those times to expand themselves in the Universities. The Classics, Natural Philosophy, and, at most, Anglican Theology. Comparing what was really attained elsewhere in these departments, we find no reason for a very low estimate of the English Universities during this period; that is to say, up to the Revolution of 1688. Without brilliant distinction they remained upon the average level of the times in general. Cambridge, however, continued to display freer movement than the sister University, and pushed on towards the pre-eminent height, which she gained in the subsequent period by means of Newton, Bentley and partly also of Locke.* A striking proof of this

* The writings of several Oxford Philologists of the time, such as Dodwell, Wallis and Wells, and of Gale and Barnes at Cambridge, are, to my knowledge, not unknown upon the Continent. The proper standard, however, for estimating Classics must not (as has been already remarked) be sought for in this fact, nor generally speaking, in the quantity of known names of celebrated authors. Whoever may wish for any more detailed notices upon this point, will find more than sufficient in *Wood* and *Dyer*.

may be found in the circumstance, that the Cartesian Philosophy found at that time very many followers in Cambridge, so much so, that it would doubtless soon have been adopted, or at least permitted, among the actual studies, if it had not been supplanted by Newton and Locke.* The same cannot be said of Oxford, and, in fact it was natural, that the previous epoch should have still more increased the tendency, which was always relatively greater in Oxford, towards stability in every thing that could either directly or indirectly endanger the positive foundations in Church and State. There is no ground, however, for the interpretation which has been put upon the expulsion of Locke from Oxford. We do not mean to deny that Locke's Philosophy may have excited mistrust in the more zealous loyalists and the more strictly orthodox: but at the time of that occurrence, nobody yet thought of his philosophy at all; and his expulsion took place without any act of the University, at the express command of the King [Charles II.]; who looked upon him with suspicion and hatred, as an adherent of the Earl of Shaftsbury.†

* This fact is derived from accounts given by Dyer (Priv. i. 437) where we find, for instance, More, Green, Lee, and Whiston mentioned as Cartesians. The latter, also says himself in his Autobiography "Cartesias was then alone in vogue with us." I cannot repeat too often, that mention is not made in this of *University* teachers, or at least, not of their acknowledged official agency as such.

† See Note (52) at the end.

§ 223. *Rise of the* ROYAL SOCIETY *at Oxford.*

The expulsion of Locke is certainly no proof of the absence of scientific aspirations at Oxford. So far otherwise,* precisely at that time, science had there received an impulse, such as is not again to be found in the same century. We speak of a society which constituted itself originally in Oxford, at the time of the Usurpation, — without any settled form or tie, but perhaps so much the more vigorous. It contained some of the most distinguished academic Loyalists, such as Boyle, Petty, Wren, Wilkins, Willis; and after most of its members had settled in the capital, it was incorporated there under the name of the ROYAL SOCIETY of Science. Whatever the Society may afterwards have become, no one competently informed will deny that even beyond the middle of the eighteenth century it beneficially centralized the best powers of the country on the Natural Sciences, in their widest sense. And if somewhat later it did not sustain an elevation proportioned to the general scientific energies that sprung up, these were themselves but the fruits of the seed which it had strewn so liberally around. We are however no further concerned with the Royal Society here, than to notice that it arose in Oxford.

The immediate reasons for migration to London

* [Locke's expulsion was in 1684: Boyle became a member of the Royal Society in 1663, that is, twenty-one years earlier. But perhaps this does not affect our Author's argument.]

were of a personal, and partly of a political nature; for the Society was not averse to political intrigues in favor of the Restoration. Nevertheless, had there been no permanent local difficulties, we may surmise that Oxford would not have remained unfructified by the new studies, which would probably have become a branch of Arts; especially since several members of the Society remained at Oxford or came back thither. Among these was Thomas Willis, one of the most celebrated naturalists of his time, who for fifteen years was Professor of Natural Philosophy at Oxford. I shall not be supposed to mean that the influence of such a man as Willis was without any living and widely diffused result — especially as, at the same time, other kindred spirits were actively employed; such as the well-known mathematician and philologist Wallis, who at that time filled the Savilian Professorship of Geometry. But, little as we ought to overlook this new rise in experimental sciences at Oxford, (the connexion of which with Bacon's philosophy is evident,) we cannot but see that it was only temporary, and belonged to the class of exceptions.

We have already pointed out why hitherto these studies prospered even less at Oxford than at Cambridge. But we have still to explain, why, after so powerful an impulse had been given in Oxford, they soon sank back into insignificance, while a

similar impulse at Cambridge attained a permanent, great, and productive importance. The reply to this question would lead us directly to the last period of our history; for which we reserve an especial chapter. But before we enter upon this ground, we must endeavour to gain a more correct view of the Constitution, Organization, and Administration of the Universities.

CHAPTER X.

THE CONSTITUTION OF THE ENGLISH UNIVERSITIES.

§ 224. *General opening of this part of the subject.*

UNDER the CONSTITUTION of the English Universities, we include, in the first place, the internal organization and economy of those corporations; and next, their relations to the larger corporations of the Church and the State, of which they formed organic portions. These two subjects will form the two main divisions of the present chapter.

In plainly giving the name *Corporation* to the State and to the Church, I hope that I shall not offend modern State-Law, and the newest State-Philosophy.* Such a title assuredly does not agree with their present elevated position, or with their lofty ideas: but I refer to what was actually the case in the Middle Ages, and what still remains and prevails, in many essential points, in England.

* [In Germany.]

Indeed it is to the period of the Reformation that the English Universities at present owe their permanent and living organism; although the form of the institutions is of much earlier date.

It may perhaps seem preposterous on our part, to have delayed to this part of our work an account of the University-Constitution; considering how largely we treated in our first volume of the contemporaneous facts, which concerned the academic nations and the town-corporations. But the nature of the case justifies this arrangement. The relations of the town to the University were principally and essentially external: no vital affinity subsisted between the two organizations; nor can their mutual dealings properly belong to the internal history of the Universities. Moreover, the final settlement of all the questions pending between them, belongs to the fourteenth century, when the Constitution of the University was as it were in its cradle. Far different and far more intimate was the connexion of the University with Church and State, out of which the internal academic constitution has resulted: a subject which involves controversies even of the present day, and which is more peculiarly appropriate to the later part of my work.

First Division of the Chapter.

§ 225. *Recapitulation concerning the* era *of the rise of the English Universities.*

After all that we have offered in proof, we may here be allowed to assume, that scholastic seminaries were founded in Oxford by Alfred; and existed there, though perhaps not without interruption, until Norman times. There is no indication that they were organically connected with any other ecclesiastical corporation: and the Norman Conquest is a deep chasm, destroying all continuity of institutions. Nevertheless, as every kind of positive testimony fails us respecting the *earliest* Academies, it remains only to turn to the greatest profit whatever facts we meet concerning their state later than the Conquest.

The rise of a University has depended mainly on the recognition, by Church and State, of power in a certain body of Masters, to confer licences on candidates for the office of teaching: for this is the primitive essence of the scholastic degree. But neither the time nor the form in which such recognition was conveyed, is ascertained in the case of the English Universities. Some perhaps will wish to make much of formal and declaratory instruments. Certainly if documentary proof of this sort is demanded; if a University is held to exist, not when it fulfils the functions above

named, but when it can exhibit such and such legal parchments; there were no Universities at all in England before their incorporation in 1571: and this, although the corporate rights of the scholastic bodies in Oxford and Cambridge were often recognized and confirmed by Popes, Archbishops, Bishops, Kings and Parliaments, implicitly after the eleventh, — explicitly after the twelfth century. It is really lamentable to have to dwell on this point: and yet, (in England especially,) there seem to be no clear ideas upon it.*

Part First: On the Earlier Constitution.

We shall first treat of the *earlier* constitution of the University, when not yet affected by the rise of the Colleges: it will be afterwards requisite to deal with the *later* constitution as an entirely separate subject. Our observations must commence with the reign of Henry I, at which time we find the earliest decided evidence of an academical constitution in Oxford: and we shall speak first of the general

* In one of the newest works on Cambridge, I find the following, with reference to John XXII's Bull of Confirmation in 1318. "From this period the University properly dates its commencement: it was before merely a Studium; but it now became a Studium Generale, or Universitas:" (Lamb's Collection of Letters, &c. &c.) Even if the question is to be decided by the mere *word*, we find the phrase "dilectis nobis magistris Universitatis Cantabrigiæ," in the privilege of 1270; and with regard to Oxford, in that of 1244: but we care only about the *thing*. The word Universitas however is not used for every corporation or assembly, but for such a one as meets for a distinct common end.

body of the academical society, under various details; afterwards of its chief official personages.

I. On the *Body* of the University.

§ 226. *Its component parts and internal relations.*

Testimony is still extant, which proves beyond all doubt, that a society of Teachers and Scholars was actively employed at Oxford, before the middle of the twelfth century, in the study of all the branches of scientific knowledge, which in that age, were attainable in Western Christendom. The proceedings and persons of this society were under the general protection of the Church and the Crown, and under the especial superintendence and ecclesiastical jurisdiction of the Bishop of *Lincoln*. In the dealings between them and the Bishop, the scholastic society was represented by the assembly of the Teachers;* the Bishop himself (ordinarily and in important matters) by a Chancellor, called the Chancellor of *Oxford;* or occasionally by an Archdeacon: but he reserved to himself the right of direct interference, if circumstances required.†

Beside the principal division of the scholastic body, into *Teachers* and *Scholars*, certain national or provincial distinctions can also be traced. *Laymen* also might be named as forming a distinct element

* Called Congregatio, Cætus, Universitas Magistrorum.

† On the Oxford Chancellor, see Note (53) at the end.

in the academical society; but they were a very unimportant one: for the great majority of the scholars belonged to the clerical order, strictly so called, and all academicians were at least reckoned as ecclesiastics. A more important distinction established itself between the *secular* and the *monastic* clergy: and even in the twelfth century, there were Teachers as well as Pupils, of the latter body, especially Benedictines and Augustinians. In fact, fraternities of these Orders already at that time possessed buildings and schools in Oxford.

But all minor distinctions were merged in the grand division of Teachers and Scholars, which rose so directly out of the end and aim of the whole institution. The bond between the two was partly scientific, partly moral; and improvement in each kind was promoted by the establishment of conventual* societies, (fundamentally, only lodging and boarding houses, under special regulations,) which became integrant parts of the great scholastic body: an arrangement, as we have said, peculiar to Oxford.

The Teachers soon formed themselves into a governing and open Aristocracy, which received fresh vigor, from the periodical addition of new members to its body: while the successful career of the scholars, was dependent essentially upon the approbation of the Teachers. Not only was the favorable opinion of the latter, in itself, naturally a

* *Convictoria.* [Colleges, Halls, Inns, Hostels, &c.]

desirable distinction; but with them it practically lay to give or refuse permission to teach. For though the licence proceeded in form and essentially from the Church, and, in her name, from the Ordinary; it was in fact bestowed in accordance with the judgment of the Teachers.

Granting now that as early as the middle of the twelfth century there was a University at Oxford, not only in a scientific, but also in a political sense, (which latter is our present concern;) yet as to its internal organization conjecture would be hazardous. Germs of different elements may be found in it; the scientific element seen in the Degree, the tutorial in the Halls, the *national* in the academic Nations: and out of these elements, under the influence of an Episcopal officer sprang the whole Academic Constitution.

§ 227. *Early preponderance of the Houses.*

It is probable that the Houses assumed a very early preponderance, and that in fact they formed the main and almost the sole element of the University of that time, under the name of *Halls* and *Schools;* being open, voluntary and unendowed. In most of them studies in Arts were pursued, including also scholastic dialectics: yet some were doubtless devoted to Theology, Civil Law, or Medicine. Each of these bodies was in a certain sense represented in the "Congregation" of Masters by

its Teacher and Head (Magister, Regens, Rector*). This Head was responsible to the Congregation, as also to the Bishop or his Chancellor, for the intellectual progress, and moral conduct of his pupils; and the greater his authority in his Hall, the greater his responsibility. This authority was not merely *social* and rising out of his paternal position, but was *judicial* in some respect, and even recognized as such by the higher powers; although the effect was in part to restrict the Episcopal prerogative.

This peculiar trait of the English Universities marks in a striking manner the predominance of the Principals of the Houses, and may be found very clearly (according to my opinion) in the Cambridge Compact of 1276: "First we will and ordain," it says, "that the Master of the *Glomeria*† for the time being shall hear and decide all the suits of the *Glomerelli*, &c., willing that in this

* I must be allowed to assume as a matter of well known fact the *original* identity of the expressions, *Magister, Regens, Rector Scholarum*, and *Doctor*, and even *Professor*. All that has been said on their original difference (as had been done by Bulæus) is groundless and fanciful. It is also well known, that *Magister* was afterwards commonly used for the higher philosophical degree, and *Doctor* for that of the other faculties. We find however in England, even in documentary papers, a vacillation in the use of such terms as late as the fifteenth and sixteenth centuries; and the expression *Professor* instead of *Doctor*. I must hereafter return to the difference between *Magister Regens*, and *Non-Regens*. The expression *Rector* was lost at the English Universities, not only in its original, but in every other sense, as early as the thirteenth century. I make the remark here once for all that by THE DEGREE, I always understand the higher degree of *Magister* and *Doctor*.

† [See Note respecting the *Glomeria* at Cambridge.]

particular the aforesaid Master shall enjoy the same privilege as other masters have with respect to their scholars, in deciding their causes." The limits of this jurisdiction may be traced in the following passage: "Unless the cause relate to house-rent fixed by the Masters and Burgesses, or to crime punishable with imprisonment or with expulsion from the University: for in these cases the *Glomerelli* shall answer in presence of the Chancellor, &c." For Oxford we have no direct notices of the same sort: but analogy fully justifies us in assuming, that some fifty years earlier the case was the same there likewise. Nor is it any objection that we cannot quote testimony to this effect: for there exist no documents or accounts *whatever* of that earlier period. I am willing however to confess that there is much that remains obscure upon this point, even if we confine ourselves to Cambridge.*

§ 228. *Numerous Points on which Information is desired.*

There are still however many points upon which

* I refer my readers moreover to what has been already said upon the subject of the Halls and Schools in my first volume, [§ 12, 62, and 63 of the English.] That Teachers and Scholars were connected by the same discipline was a result of their position, and is proved by definite evidence. Parker uses distinctive names concerning the old Halls, calling them: "*Inns of Philosophers and Divines; Inns of Canonists, Civilians, and Divines,*" In Wood also there is something similar.

we should naturally desire information. For instance: Were the higher *faculties* formed into separate Corporations? Was the Degree ever sought for, except by those who desired to become Teachers? Were the academicians united into organic bodies according to their provincial origin, and without regard to their scientific union? Had the pupils any rights independent of their teachers? What, finally, was the position of the Episcopal Chancellor toward the Scholastic Corporation? Was he also organic head of the University, as afterwards, or was there another officer then who sustained this character? In the absence of contemporaneous evidence, we can reply to these questions only by probabilities drawn from a later state of things. What is certain, is, that the students generally lived in Halls or Inns, and that the seven branches of learning called Arts were pre-eminently studied: whence the sentiment then current, that the University was "based upon Arts."

In the latter half of the thirteenth century, more light breaks in upon us, not solely because more testimony is extant, but because the organism had taken a more decided shape. Great internal developement necessarily resulted, when so vast a mass of scholars flowed in, and so many intellectual agencies were at work; especially as the Universities possessed by nature, and exercised without asking leave, the right to direct their own studies. Occasionally indeed the Church or the

State interfered; but, for the most part, only to recognise and establish what already existed.*

Most striking is the vigorous developement of the "National" influence in the corporations of Northernmen and Southernmen; represented, as it was, by the two Proctors in the management of academic affairs.† We must not return to a subject which we have already treated as fully as the meagre materials allow: yet we would gladly ask; — how the Nations stood towards study; and in what relation to each other Teachers were to Pupils, when members of the same Nation: whether the Degree was as important within the organization of the Nations, as within that of the University. Had the Nations in this respect more of a democratic and the University more of an aristocratic character? How did all this, (especially in the election of Proctors,) act upon the academic affairs in general? May the Proctors be looked on as representing, not only singly, each his own Nation; but jointly, the under-graduate democracy in opposition to the aristocracy?

§ 229. *Rights exercised by the Nations.*

To these questions we have little to reply. General probabilities however and a few notices imply a more democratic character in the "National"

* I have more to say upon this subject further on.
† See Note (54) at the end.

societies, and intimate that the degree of Master had less influence in that sphere.* The vast number of pupils in the thirteenth century, strengthened no doubt the democratic element in many ways. In the political struggles of the thirteenth century, the cross-bow made a gownsman of more importance than a Degree. When the stricter Halls overflowed with pupils, new ones would arise with freer forms and manners. Scholars took to living each in his own lodging; (*Chamber-dekyns*, as they were called:) the patriarchal position of the teacher was overthrown; and the academic condition becoming freer, more varied, grander in a certain sense, and more vigorous; leant strongly to democracy. The *fact*, without a doubt, went upon occasions far beyond the *law* of the case. For instance, the tumults of under-graduates used to overawe or decide the elections of the Proctors: yet we have reason to believe that none but Masters had ever a legal vote in this matter. All existing evidence is on that side, as well as all probability. Indeed we may speak of it as unquestionable fact, that the election was decided by a majority of the Masters: nor is there even ground for thinking that they so much as voted *by Nations*.† Yet by mere riot, (for we speak of the *irregularity* during

* See Note (55) at the end.

† While the propriety of the case, and the names *Northern* and *Southern* Proctor, may convince us that each belonged to his own nation; their efficiency in their office would rather be promoted, if *each* were elected by *all* the Masters.

the transition to the College Cycle,) the under-graduates would often influence the elections.* The same thing occurred in the election of the Scrutineers [*Scrutatores*], Taxors, and other Finance-officers called after the two Nations. The duty of the Scrutineers was to collect the votes upon elections and other occasions: and we need not say how important it was to the Nations to have these functionaries directly responsible to them for their conduct. Anthony Wood mentions the Northern and Southern Scrutineer, first in 1343, when the old "National" disputes were becoming complicated with those of the Nominalists and Realists: but there is nothing to imply that the office was new: necessity for it must have been felt most urgently, as early as the thirteenth century.—The principal office of the Taxors was, as we have already seen, to determine the rent of lodging houses and other prices. This office was afterwards, as it appears, combined with that of the "Clerks of the Market:†

* I may refer to Wood (ii. 387.) In his *Fasti* no Proctor is mentioned by name before 1267: but this proves nothing but deficiencies in the Registers and Documents. If we were hence to conclude that the office did not exist before, we should be forced to assume that it was never regularly filled before the middle of the fourteenth century, as the list often has gaps of ten or twenty years. The first mention of the Proctors in the "Hist. and Antiq." occurs in the year 1248: but this is no proof whatever that the office is not of more ancient date. For as the Nations were concerned, for instance, in the riot of 1209 (as we have already seen) they had even at that time without a doubt their Proctors. Wood calls them "coeval with the institution of the Chancellor;" which, understood *cum grano salis*, is certainly correct.

† Wood i. 108.

nor is it improbable that the Nations had some influence over the choice of these latter functionaries. Moreover Northern and Southern Masters are frequently mentioned as account-keepers and administrators of the several University chests.* So various and so deeply seated was the authority of the National organization.

Beside these regular authorities, it is very possible that upon extraordinary occasions, (as in the election of delegates upon certain Committees,) the National distinctions were taken into consideration. We know at least as a positive fact, that a Committee was appointed in Oxford in the year 1411, of *Six Southerns and Six Northerns*, to search out heretical works. If the Nations were recognized at so late a period, and in matters of grave theological importance, they certainly were still more at an earlier period, and in other matters, more directly connected with the University.

To determine the election of Chancellor would have been a yet higher aim with them; but before the University had attained the clear right of election, the importance of the *Nations* had greatly sunk. A certain unavowed yet real influence was still, beyond a doubt, exercised by them on this matter.† For peace-sake it may have been

* Wood an. 1336, 1426, &c.

† The contentions respecting the elections of Chancellors in the first half of the fourteenth century in Oxford were on this account. These contentions were connected, (as we have already pointed out,) with the oppressed State of the Northerns, after their defeat under

considered wise, by tacit agreement, not to take the Chancellor too often from the same Nation.

§ 230. *Influence exerted by the Degree in Arts.*

Let us next consider the influence exerted by the Degree: first, the degree in Arts, afterwards in the separate Faculties. At present however we omit to consider the modifications afterwards introduced by the establishment of the Oligarchy of the Heads of the Houses. The first matter that strikes us is the rise of *Non-Regent* Masters: *i. e.* the taking of the degree by persons who did not mean to preside over a school. Such persons would naturally excite jealousy in the real Masters or Teachers: since they would share their power of voting in the congregation, while otherwise not sympathising with them: and the fluctuations long prevailing may seem to some to imply that the actual Teachers resisted the intrusion of non-teaching licentiates. At any rate, in Oxford the congregation of actual Teachers (*Regent* Masters) kept to themselves all power over scholastic matters, especially over the right of conferring the Degree.

Henry III., and with the migration to Stamford. Wood expressly states (1343) that *each Nation wanted to choose its own Chancellor:* in 1349 a Northern candidate for the office gained a majority in the Convocation: but the Southerns used violence, excited the students to riot, and drove out the Northernman. The Royal Commissioners however did not venture to depose and punish the Southern Usurper, as the Southerns were too numerous, and threatened to quit the University and migrate elsewhere.

This is the Oxford House of CONGREGATION. But in all other academic affairs the other Masters were admitted to equal authority: and the general assembly of Regents and Non-Regents was called the *Great* Congregation or CONVOCATION. It is impossible to determine the date of this arrangement; except that it seems to have been working out from the thirteenth to the middle of the fifteenth century.

A subsequent change, not yet touched upon, took place in the composition of the Congregation; when the number of the actual Teachers kept diminishing, with the decay of the studies in the fifteenth century, and the Masters who really found occasion to establish themselves as Principals of a School or Hall, became fewer and fewer. The possibilities which we might assume upon this subject are many; but the following may be pointed out, as having *really* happened. The trial, namely, was made, to impose on *resident* Masters the obligation to teach, at least during their first two years. This was called* "compulsory regency;" but for obvious reasons it was found impossible to enforce the enactment. It was modified therefore, first, by a permanent *dispensation*, limiting it to a single year: at last it became a mere formality, which entailed no other obligation, than that of residing at the University and taking part in certain public scholastic exercises. All were now reckoned as

* *Regentia necessaria.*

voluntary Regents, who had passed beyond their years of *compulsory* Regency. Consequently, the Heads of the Houses, whether these were connected with a School or not, endowed or incorporated or not;—all Academic Officers; and lastly, all Graduates of the higher Faculties, as having previously attained the degree in Arts;* henceforward passed as Voluntary Regents.

At Cambridge, although the foundations were similar, there was a variation in the structure. There also the old congregation of Masters became divided into two, as at Oxford: but they formed separate and co-ordinate chambers of Legislation, whose concurrence was requisite for every Act. For every matter, (even such, as in Oxford none but the Regents decided,) a *grace* needed first to pass through the chamber of the Non-Regents, by way of form; after which the Regents decided it one way or other, by voting and dividing.†

During the ascendancy of the *Nations* and of the

* See Note (56) at the end.

† The developement here proceeded, properly speaking, no farther than the *Itio in partes*, of which we find traces in Oxford towards the end of the thirteenth century. Respecting its history, we know nothing, thanks to the thoughtlessness and want of care of Fuller, Dyer, &c. The result may be gathered from the Statutes of 1549, of 1556, and more especially of 1570: yet they leave so much undecided, that I am obliged in part to refer to such short notices as I may find in the Cambridge Calendar, although they contain nothing essentially new upon *this* point. The restrictions on the right of electing the Senate (*more burgensium*) were of later date and were connected with the developement of the College Oligarchy. So too the election of the Steward, and of some of the endowed Professorships, belong at the earliest to the sixteenth century. The *Domus Regentium* is also termed at Cambridge, the Upper or White hood house, and the *Domus*

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democratic principle, the influence of the Teachers or Heads of Houses had been proportionably low :* nor is it credible that they were able to maintain discipline and subordination in their establishments, except in rare and peculiar cases. Add to this the number of non-teaching Masters, whose votes told in the congregation, and who had no personal sympathy with the difficulties of those who presided over Halls or Schools, and we shall see yet more strongly how lax the discipline must have been. It is true that just at this time the first Colleges were founded; but I have before explained how feeble they were in this era, and how long it was before any consciousness arose of the difference between them and the other Houses. All of these were always looked upon as integrant parts of the University; but no one thought of the Colleges as separate corporations, till the fifteenth century.†

Non Reg. the Lower or Black hood house. The latter denomination is derived from the difference in the lining of the hoods of the Doctors and Masters. In the reports of the visitations of 1549 and 1556 (v. Lamb's Collect. &c.) the term used is always "*Congregatio Regentium et Non.*" Yet it appears from the context, that the deliberations were carried on separately.

* There are some few characteristic traits apparently in contradiction to this, which may be either taken as exceptions or otherwise explained. See Note (57) at the end.

† The first deed of *Incorporation* which I have been able to discover, is that of Trinity College Cambridge. "And moreover," it runs, "by our supreme Royal Authority . . we will . . that our said College, its Master and Fellows . . . should be for evermore united, attached, consolidated, and incorporated into the said University of Cambridge, in order that they may be understood to be, and may be, a part, parcel, and member of the said University," &c. (v. Parker, p. 151.) I quote this quite gratuitously, as I have my doubts upon the point.

§ 231. *Relative Position of the Higher Faculties.*

In the remarkably low place of influence occupied by the higher Faculties, lies one of the marked peculiarities of the English Universities, in contrast to those of the Continent. The four Faculties were doubtless recognized* formally and officially as parts of the University; however mean the estimation of those three, which are called Higher, has been in the last three or four centuries. Even Grammar, until after the middle of the fifteenth century was regarded as *a sort* of separate Faculty; although not co-ordinate with nor independent of Arts; yet as a preparatory step to it, and as it were under its superintendence. But none of the Faculties obtained in England, as on the Continent, a corporate being, independent of the University. Their separate action was that of a mere board of Professors, and did not embrace general administration: they were recognized only in the scholastic elections (*comitia*), but neither in the Congregation nor in the Convocation.† The University itself has

* Among the many other passages which I might cite in support of this, I confine myself to one from a speech made by the Chancellor in 1603 in order to console the Civilians, who were fearing the dissolution of their Faculty. "This *academia* (Oxford) possesses four heads or ornaments, upon which as its firmest foundations the whole structure of the University has been placed: that is to say, the Faculties of Theology, Jurisprudence, Medicine, and *Artes Humaniores;* of which if one were taken away, the fall of the whole edifice would ensue."

† How far this regulation was afterwards modified by the privileges given to Doctors in the Congregation along with the Heads of the Colleges, and in the *Caput* in Cambridge, will

always remained *based in Arts.* Arts therefore in strictness are perhaps not a Faculty, but a Corporation;* and Graduates in Arts constitute the *whole* of the University, and not (as the Philosophical Faculty does elsewhere) an integrant *part.* On the contrary the Faculties, as such, have no right or power of separate consultation, decision or administration: they do not even bestow their own Degree, but this too is in the hands of the University.† Such is, alike the original position of things, and the ultimate permanent result, at least after the middle of the sixteenth century. Yet we may find various modifications at different times, in consequence of the struggle for emancipation made by the Faculties.

In this struggle, there were two main points of contest: First, whether the degree in Arts should be a prerequisite for that in the higher Faculties: Secondly, whether the assembly of the Masters of Arts, voting by heads, should monopolize University legislation. Instead of this, the Faculties desired, either that each separately might discuss and decide its own affairs: or, that in the Congregation, votes might in certain cases be taken

appear further on. I here treat only the general physiognomy, and its more remarkable features, *in the earlier period.*

* The *Philosophical* branch of the Arts is the only one which took the standing of a Faculty.

† The part taken afterwards by the three Regius Professors of Theology, Jurisprudence and Medicine, in bestowing degrees, does not come under consideration here: at all events it can bear no comparison with the prominence of the Faculties at the German Universities. Yet even with us (Germans) many differences in this respect may be found.

according to Faculties, and not by counting the units. In the second half of the fourteenth and up to the middle of the fifteenth century, many were their efforts and their negociations with the University, the Church, the Crown, to obtain one or other of these arrangements. The conflict was not unfrequently carried on with grosser weapons by the younger members of the Faculties, and upon these occasions a complication of disputes took place also with the Nations.* The efforts of the discontented parties were directed for a time to obtain a firmer organization of the Legal and Medical Faculties. The Jurists and Medical Students in fact had a *kind* of independent organization, from the end of the fourteenth to the middle of the fifteenth century; being forced to deliberate and decide upon common measures. Moreover we find it† expressly mentioned, both that they had Proctors of their own, and that the King had bestowed on them full powers to elect these Proctors. But this was far from satisfying the Faculties. However, from their varied and irregular controversies no permanent result issued, except that the Civilians obtained the privilege of becoming Doctors of Law, without first taking the degree of Master in Arts; and yet preserved their seat and vote in the Congregation and

* See Wood's account of such matters; in 1434 and even as late as 1505. We have no room for further details: and in fact the whole affair is in itself very unimportant and confused.

† In A. D. 1396. At no other period, earlier or later, can I find any trace of the sort.

Convocation. The concession however was not great: for in fact almost every thing was still required which led to the degree in Arts, and moreover to attain the Law degree by this process, was made far more tedious.* The theologians also obtained similar concessions; although they took but little part in these contentions, and on the contrary, attached themselves generally speaking to the Graduates in Arts. The first accounts which we have, belong to the time of the Reformation: but the matter itself is probably of an earlier date.

The most remarkable of these concessions is, the institution† of the "*ten years' men*," as they are called. By this regulation, students in Theology who matriculated after the twenty-fourth year of their age, were enabled, in ten years, after going through the examination and exercises in Arts, to obtain the degree of Bachelor in Divinity, without passing through the previous degrees in Arts. Whatever may be the exact era when this was first enacted, it was undoubtedly later than the Reformation, and intended to favor Protestant Theology. Such things however can only be looked upon as exceptions to the general rule

* The course of Study in Law for those Students who do not take their degree in Arts, lasts *five years longer* than for those who have graduated in Arts. [German: Fünf Jahre.]

† This is constantly stated to have originated in a Royal ordinance of 1567; according to the usual fashion of always stopping at the first *written* authority extant. Yet the same appears in all essential points in the Statutes of 1549, or rather in the supplementary *injunctiones* (v. Lamb's Collections, &c., p. 140), and it is possibly even of earlier date.

which made the degree in Arts a prerequisite to a degree in other Faculties and to all office and power in the University.

In Cambridge, the Doctors were joined with the Heads of Houses in the Academic administration, at least until after the middle of the sixteenth century; a post of influence, which they never attained at Oxford. Even later, they had at Cambridge the privilege of voting in both Houses, while the other Regents voted only in the Upper House. Yet this preference can scarcely be looked upon as a recognition of corporate right in the Faculties. On the contrary, it seems merely to have been a declaration, that according to the whole mechanism of the scholastic course, the Doctors were the oldest and most experienced of the resident Graduates. In actual fact, little advantage came from this arrangement to any but the Theologians, as they formed the great majority of the resident Doctors. So ended the opposition of the Faculties to the Graduates in Arts.*

§ 232. *Causes of Academical Weakness in the Higher Faculties.*

Why the corporate developement of the Faculties was so crushed at the English Universities, might be explained perhaps by the following circumstances. At the very time when the Theological

* See Note (58) at the end.

and afterwards the other higher Faculties in Paris separated themselves from that of Arts,* (that is to say in the latter half of the thirteenth century;) the *Nations* in Oxford and Cambridge very greatly outweighed and absorbed all other interests. Now in all Universities the Nations and the Graduates in Arts were intimately connnected, and in some sense the latter may be said to have *represented* the former. In fact, the Nations collectively formed "the University based in *Arts*." The two systems were of the same date, and sympathized in an opposition to the Faculties, whose claim of separate power was felt to be an Aristocratical movement. Nevertheless, the gradual decay of the Nations from the fourteenth century downward, did not enable the Faculties to obtain corporate powers; for in proportion as the National influence waned, that of the Colleges arose in increasing strength, and in yet closer sympathy with the studies in Arts. In fact we might even say that the Colleges and their Heads, like the Nations and their Proctors assumed (first side by side with them and gradually *over* them) that place in the corporate existence of the Universities, which, in Paris and still more at most of the newer Universities, fell mainly into the hands of the Faculties, their Deans (*decani*) and their Professors.

Yet the real weakness of the Faculties in the

* I refer upon this point to what has been already said in my first Volume (§ 15) likewise to *Meiners*, whose authority, however, must be used with great caution; and to Bulæus (iii. p. 35. sqq.)

English Universities, was *internal;* and this is the truest reason of their not attaining corporate organization. Indeed according to the old Quadrivium and Trivium, as well as according to the later speculative Philosophy, it was scarcely possible to recognize the Faculties as *Sciences* at all: still, this prejudice would have given way, had they actually grown up into something which in that age was discerned to be a Science. The contrary however was the case. We have already adverted to the political causes which hindered Roman Law from flourishing in England; to the moral or ecclesiastical feeling which rendered Physiological pursuits uncongenial to Oxford and Cambridge; and to the great facilities which in a practical sense both studies enjoyed at London and other great cities. Thus stunted by extra-academical causes, they could hardly have maintained a prominent place within the Universities, had it been granted them. As for Theology, it sank with the Philosophy and Arts of the fourteenth century, into nothingness. On the other side, beside the tutorial advantages held out by the Colleges, their property, though at first small, was of vast importance. For to attain a share in it, a degree in Arts was requisite; so that the increase of the Colleges in number and wealth ensured the ultimate permanent superiority of Arts in the University-corporation. We have already seen that the Reformation was unfavorable both to Civilian and to Medical

studies; and though its convulsions at first were hurtful to *all* academic studies *alike*, this did not hinder Arts from retaining its preponderance already earned, and its monopoly of College property. Under the rule of the Episcopal Church, it is hardly needful to say, that (whether intentionally or otherwise) Arts have been *in fact* favored almost exclusively.

§ 233. *Why Theology did not become incorporated as a Faculty.*

Notwithstanding all that has been said, it may still excite surprise that *Theology* could not emancipate itself from the yoke of "Arts;" while the ecclesiastical character of the Universities and Colleges was so predominant: especially since in Paris this Faculty was the first to emancipate itself, and thereby paved the way for the others.

We have already explained, but we must repeat, that as soon as the Church considered itself bound to look upon Theology as a science, and not merely as a means of religious instruction, the limits of Theology and of Philosophy could not be well defined:* and in fact while nearly all the circle of

* It cannot devolve upon me to bring proofs of the above from the Scholastic Theology. The evidence which lies more in my beat, is scattered throughout the history of the University of Paris, but is also in part contained in Wood. Especially I may quote that in 1311 the Dominicans complain of the anomaly, that the degree of Bachelor of Divinity is demanded of a Theologian, before he is allowed to lecture on the Bible, (*bibliam*

Arts was in those days claimed as a part of Theology, the whole domain of Theology was in turn claimed by the Lecturers in Arts, except indeed the exposition of Scripture: and this was not esteemed as an affair of much *science* by the Theologians themselves. But in Paris the course of events was influenced by extra-academical causes. The MENDICANT Orders there came into collision with the Universities; and a main effort of these powerful corporations, especially of the *preaching* orders, was, to develope Theology as a science: — whether to ultimate benefit, is a separate question. Beside their great pains in scientific exposition of the Scriptures, they cultivated Canon Law with peculiar zeal; and were naturally regarded as the representatives of Theology (in its most widely extended sense) in contradistinction to the philosophical studies: though it will not be supposed that they meant to emancipate the latter from Theology. Over and above the primary points of opposition, there was an essential difference of genius between these Mendicant Orders and the Graduates in Arts: for the latter were mere Philosophical lecturers, while the former were popular preachers. Moreover, in defending their other rights and interests against the claims of the University, they unconsciously promoted the

biblice prælegere,) while the far more difficult task of expounding Peter Lombard's "Sentences" was prescribed for the preparatory degrees in Arts, (v. Wood i. 236.) Additional citations appear to me to be superfluous.

emancipation of Theology from the Philosophical studies, if not its predominance. At last, obtaining the sympathy and help of the secular Clergy from without, they succeeded in establishing the Theological Faculty as an independent Corporation, although still forming an integrant part of the University. In England on the contrary, the secular Clergy were actuated by stronger rivalry against the Monks; refused to acknowledge them as the representatives of Theology; and in the Universities joined* with the Graduates in Arts to resist them. When the idea of a corporate Faculty of *Theology* had been frustrated, it was less possible to hope for it in the case of Civil Law and Medicine; and the Theologians aided the "Artists" in resisting it. I am aware only of one solitary passage, which would imply dissension between the "Artists" and the secular Theologians: while there is abundant evidence, especially in the second half of the fourteenth century, to prove their alliance, both against the other Faculties and against the Mendicant Orders. This alliance enabled them to pass and enforce the offensive statutes above alluded to.†

The facts are certain. We may in part account for them by the jealousy of Germanic England

* [That the resident Graduates in Arts were *themselves* secular Clergy, *is treated by* Prof. Huber as a *later effect*, not a *cause of the above*. *See below.*]

† For instance, in 1375 we learn that "The Chancellor, the *Doctors in Theology* and the *Masters of Arts* established several statutes bearing heavily upon the Bachelors of Civil and Canon Law." It would be very easy to give many more such quotations.

against the Romanic Monks. For although the *Southern* party triumphed in the English Universities, the Romanic tendencies of this body were relative only, not absolute, and might almost be called anti-Catholic when contrasted with true *Romish* Catholicism. Nay during many years of the reigns of the two Edwards, a strong anti-Romish feeling possessed all England, lay and clerical, Parliament and King. In consequence, the power, (whether spiritual, scientific, social, political, or monied,) of the Mendicant Orders, could not weigh at the English Universities as at Paris. In resisting the Mendicants, the secular Clergy were assisted by the Augustinian and Benedictine Monks, being all actuated by aversion yet more than by fear, or than by sympathy with the Graduates in Arts. To gratify this aversion, they sacrificed the aggrandisement of the Theological Faculty; and obtained as a reward the entire predominance of the Clergy within the sphere of the Arts and of the University itself. This result won its way more and more after the fourteenth century, and was finally decided, as we have explained, by the growth of the College system; in which the Fellows, who formed the permanent, and therefore the governing, nucleus of the University, consisted mainly* of Theologians. And thus the academic

* This naturally followed from their growing old at the Universities without benefices; a fate of which they so bitterly complained. Most residents took their degree in Theology, when of standing sufficient for it; as, under the almost mechanical

corporation, nominally founded in Arts, fell practically under the rule of Theology. The triumph was not at first complete; for there long remained lay-Graduates in Arts, who (especially the Civilians) occasionally made common* cause with the Mendicants, and balanced the parties. Moreover, no thought was entertained of *really* converting Arts into Theology. It was sufficient to leave matters alone.

§ 234. *Working of the Mendicant Orders on the Universities, especially of France and England.*

The above is all that we have been able to gather, as to the history of the *Faculties* at the English Universities. On the position of the Mendicant Orders there, we need some further enquiry, as it considerably affected the academic constitution at the period of which we speak.

Of the various orders of Monks who had settled at Oxford, the Augustinians† were evidently the most peaceably disposed: nor was there often reason

system of scholastic exercises, the whole affair was one of time. Yet there were reasons why the older generation might have been inclined to make the process less easy to the rising one.

* We have a particular instance of this at the end of the fourteenth century in the discussions respecting the famous Boniface-Bull.

† I have found but one instance of their collision with the University, viz. in 1436. The contests of the Benedictines also in 1517 appear as an inexplicable anomaly. Wood mentions various quarrels of the Carmelites toward the end of the fifteenth century.

to complain of the Benedictines. The Carmelites however, sometimes fell into violent contests, in one of which (in 1472) they were actually expelled from the Congregation. Nevertheless, such events must be regarded as exceptions: for on the whole, these three Orders managed to keep up very friendly and excellent relations with the Universities.

The Dominicans on the contrary, (mendicant and preaching friars,) were in permanent opposition. Indeed it may with truth be said, that the battle of the Mendicant Orders was fought simultaneously in all the Universities of Christendom, and continued nearly two centuries. The Academicians did but stand on the defensive: it is therefore evidently in their adversaries that the springs of the movement are to be looked for. Yet it is not for us to write a history of these Orders; and in consequence, we are unable thoroughly to develope this matter. We must confine ourselves to a few remarks.

Without lending ourselves to the one sided and rancorous view,* which can see in these Monks nothing but unprincipled and insolent stupidity; we must confess that they were no small annoyance to the Universities: while so important was yet the support which they gave, that possibly the

* It is no good sign that such fruitful monographic stuff as these Monks afford, should not yet have found an author of merit. There is no doubt that here, if any where, a fair point of view might be found, for judging of the newly raised Church-controversies of that day.

Universities owe even existence to them, especially to the Franciscans and Dominicans. Moreover, the academic supporters of the Mendicants were as respectable, if not as numerous as their opponents. Much that was ignoble attached itself to both parties: but this may not have been the predominating character of either. Beyond the bounds of academic life, and in Romanic Europe, the comparison would be still more decidedly in favor of the mendicants, at least in their early days.*

Of a phenomenon so mighty and so peculiar, we moderns can but ill judge: but history attests that they exercised over their contemporaries, not only by repulsion, but, stranger still, by attraction, a power which seemed miraculous. Without considering impure motives or accidental complications, all must see the difficulties which would naturally arise, when an ecclesiastical body became subject at once to *Monkish* and to *University* rule and discipline. Their duties toward their Order, and toward the academic authority, would often be in collision; and each corporation unshrinkingly demanded of them its own rights. If Christian love in fulness and ripeness of beauty did not actuate the Dominicans,—nor their opponents;—unhappily the phenomenon is too common in history to allow of our being severe on *either* party.

* See what even Bulæus says respecting the first appearance of the Dominicans and Franciscans in Paris: which is quite sufficient to substantiate what has been said above, without referring to authors essentially and designedly Catholic.

Certainly it is unfair to lay the whole blame* on *one*. Mutual concession was not thought of by either; but there was enough of mutual exasperation. The monks were called ambitious, meddling, arrogant; and they would naturally be counted *intrusive*, when forcing their way into an old established and somewhat exclusive system. In truth we may well be surprised, that they had not *more* enemies, and that their adherents were so very numerous.† But this must seem rather to the credit of the mendicants; and proportionably, to the discredit of the Universities. The very reproaches cast on the Monks reflect praise upon them, and imply a lazy love of ease and want of energy among their opponents. The greatest modern foes of Monachism would least agree with their academic adversaries of those times, who objected to them that *they excited and puzzled the minds and feelings of the youth with all kinds of new learning, and endangered the orthodox course of science, and of the Universities themselves.* In fact (what has been too little regarded on many hands) the Universities at that time very frequently stood forward as the

* It is amusing to find the reproach continually cast, in solemn earnest, upon the Mendicant Orders; that they affected the title of Master, in opposition to the letter of our Lord's precept: "Be not ye called Masters." Many other of the accusations brought against them are neither more reasonable nor more sensible. [Was not this fair, either as argument or as sarcasm, against men who lived by beggary, in obedience to the *letter* of a precept?]

† We speak not of those nobler natures who stand above the weakness incidental to man. They are, every where and always, an insignificant minority.

champions of orthodox exclusiveness, not only against the Mendicant Orders, but against the Papal See itself, when the latter thought fit to back its militia in their bolder and freer scientific, or at least mental evolutions.* Whether Rome deserves gratitude, or blame, in her pursuit of this policy; anyhow it is a fact, that the Mendicants at that time were the patrons of *progress* in learning, while the Universities (at least generally) were for standing still: and the absolute triumph of the latter must have been very hazardous to all intellectual interests. On the other hand it must be admitted against the Mendicant Orders, that they had no idea of allowing to other teachers a free and equal competition with them; they aimed at unfair advantages.

Thus at Paris,† where of the twelve Theological Lectureships, seven were filled by other Monks already, and five remained to secular Theologians, the Dominicans endeavoured to take two for themselves out of these five, leaving but three for the seculars. The Papal Bulls which restricted the entire number to twelve were afterwards modified, but the quarrel had left bitterness behind it, not to be easily healed. Besides, the Mendicant Orders

* I refer my readers to what Bulæus says, for instance, about the middle of the thirteenth century respecting the contents, the effect, and the consequences of the work of W. de St. Amour: "*De periculo mundi adversus mendicantes.*"

† I refer my readers respecting these affairs in Paris to Bulæus (iii). To be rightly understood however, he must not be used as Meiners has used him.

was new; it was the most active regiment in the ecclesiastical army, and to maintain this character, it needed, internally a vigorous and despotic discipline. Its members therefore neither could, would, nor dared submit themselves unconditionally to the rules and functions of academic life; and yet they expected to enjoy as many of its advantages as they pleased; (the Degree for instance;) and even to turn them to their own exclusive advantage.

It is a characteristic trait of these Paris quarrels, that they were mainly caused by the wilful course of the Dominicans in the great secession of 1229. This measure had been decreed by a great majority of the Masters, but the Dominicans disobeyed it, in order to get scholastic affairs into their own hands during the absence of all other academicians. Naturally this was resented keenly, and produced deep distrust. Their submission to all University regulations was now exacted with increased severity. The Degree, and a place in a University of such weight in all Christendom as that at Paris, was too valuable to sacrifice; and the Monks saw themselves unable to resist: yet their devoted allegiance to their Order determined them to struggle to the last. Beside contending for the best terms they could get, (such as the second Theological Lectureship,) they now sought to break up the entire system of academic legislation: since in it, every thing was carried against them by the votes of Graduates in Arts. Having won over the

secular Theologians, they succeeded in forming with them a separate Faculty, possessed of corporate rights. The two other Faculties then sought and gained the same rights: after which the Graduates in Arts were soon no longer anything, in fact, but one more Faculty. When University-power had thus fallen into the hands of the Faculties, the Mendicants were at length able to obtain their ends. The result proved, either that their designs from the very first had been by no means so unreasonable, or that their own spirit had meanwhile changed or evaporated: for but little use was made of the advantages gained.

The quarrel of the Mendicant Orders with Oxford and Cambridge was at bottom the same as at Paris. Though externally less violent, and less attracting observation, it was more obstinate: but it never came to a crisis by the incorporation of a Faculty. The Civilians occasionally espoused their cause; but the secular Clergy holding fast to the *status quô*, the Mendicants never succeeded in extorting from the University any recognition of them corporately, as Dominican Friars. The University received them in no other character, than as its own members. When they rebelled, they were punished according to law; if they appealed to Higher Courts, they were expelled; but while submissive to the universal rules, they obtained the universal rights. On the contrary, in Paris, upon the settlement of the differences, they were

received as pupils and teachers, but not (it would seem) admitted to the academic franchise.* The English Universities, however, were strong enough to recognize all the rights of the Degree, even in their opponents. There is little intrinsic interest in the details of this struggle, which never came to any decided result, though carried on for three centuries before all authorities accessible to the parties, with the continual intervention of Kings, Popes, Prelates; Lords and Commons: and with every weapon not positively prohibited by law or custom. We find endless and intricate negociations, often incomprehensible from the scantiness of the accounts; treaties that settle nothing; occasional truces; vague and contradictory decisions or suggestions of the higher powers: while the question is ever substantially the same, and in reality very simple.†

* Bulæus (iii. 356) expressly says, that they were received in 1256 into the scholastic society, but by no means into the political society, the administration, &c., and brings it forward as a principle, that "*Monachus non decanizat.*" This however might be understood of such as could not, or would not, take the oath respecting the Statutes and the *in Artibus præstanda.* It does not however enter into my province to investigate the question.

† See Note (59) at the end.

II. Official Personages of the University.

§ 235. *The Chancellor.*

We have had as yet, the body, so to say, of the Universities under our view: we have now to consider their Head and Members, in the position which they held at that period, either as integrant parts, or as offshoots of the academic organization. In so doing, we shall find it the more necessary to begin by unfolding the true primitive nature of the Chancellor's authority, and the changes which it underwent in the thirteenth and fourteenth centuries: for in this, and in the effects of it, we find a great characteristic difference between the English and the Continental Universities. It is wholly needless to repeat what has been already said, concerning the Continental* Chancellors of the Universities: I proceed at once to remark on the contrast to them which the English Chancellors exhibited.

The first distinct accounts represent the Oxford Chancellor, in the beginning of the thirteenth century, as still, in all essential matters, an Episcopal officer, and the ordinary official deputy of the Bishop of Lincoln. Among his duties must be especially reckoned, the granting of the Licence to teach; regulating the examination of candidates;

* [See Note (11) at the end of vol. i.]

general superintendence of the studies and discipline; and the exercise of the ecclesiastical jurisdiction. Beside all this, he had to uphold the Bishop's rights against the University.—So far indeed the position of the Chancellor was the same as elsewhere: nor is it an essential difference, that the Bishop himself, oftener in Oxford than in Paris, made direct use of his authority over the University.* It is more remarkable, that the Chancellor or Ordinary of Lincoln did not *always* transfer these affairs into the hands of the Chancellor of Oxford, but sometimes entrusted many of them to other ecclesiastical officers, especially to the Archdeacon of Oxford. Still more striking is the fact; that, probably as early as the twelfth, but most certainly in the beginning of the thirteenth century; the Oxford Chancellor, although still an Episcopal deputy, yet, conjointly with the two Proctors, presided over the Congregation, and held the executive of the University: functions which, from the very nature of things and from the analogy of Continental Universities, could belong only to a

* The position which the Bishop reserved to himself, was, (independently of the actual jurisdiction,) the very vague one of a Visitor of the University. There is indeed never express mention made of formal Episcopal Visitation: but probably this arose from the functions having no opportunity of concentrating themselves in such an act, being scattered and diffused. This also naturally disappeared with the other Episcopal rights. To obviate favorite confusion and heedlessness, I volunteer to remark, that in 1413 we find notice of a Visitation made by the Bishop of Lincoln. But this took place expressly in the name, and by the authority of the *Arch*bishop. (v. Ryan.)

Rector; that is, to the organic head of the University, elected by the congregation of Masters; while of such a Head, *in addition* to the Chancellor, not a trace appears at the English Universities. Indeed, before the middle of the thirteenth century the University had gained the originating voice in the appointment of the Chancellor: for the Bishop *conferred* the office upon the Candidate *proposed* to him by the Congregation. When first this co-operation began, we know not. It may have begun in courtesy on the Bishop's part, and have become, by custom and precedent, a privilege of the University; the Bishop at first not foreseeing the ultimate consequences, and therefore not resisting it.* We have already noticed how far these peculiarities in the position of the Oxford Chancellor may be explained by regarding the University as originally a Royal foundation under no subjection to any special Diocese or Abbey. Many theories are possible as to the process by which the imaginary Rector became amalgamated with the Chancellor; but nothing can be known. There *may* have been a time, when Oxford, like Paris and other Universities, had really a Chancellor and a Rector in two persons: the two functions *may* have been united, at first occasionally, afterwards usually, finally by express Statute: or again; the Proctors of the Nations, *may* primitively have stood in the same relation towards the Chancellor, that

* See Note (60) at the end.

the Rector did elsewhere. But on these points we can give no satisfactory decision.*

§ 235. *Later Changes in the Chancellor's Position.*

As to the later changes in the Chancellor's position, we have already explained how and why his connexion with the University, overpowered his allegiance to the Bishop and passed him over into the academic body. We have remarked also that the fact of Oxford not being a Bishop's See, must itself have exercised an important influence upon this result. The distance of the Chancellor from his superior, while it impaired his vigor as an executive officer, must have caused real† evils to the University from the delaying of urgent business: and naturally tended to emancipate him from the Bishop's control, and constitute him the Representative and Head of the University. The inevitable result was, to break asunder, at first in fact, afterwards in form also, a tie so vexatious and useless to all parties. The Bishops at first resisted far less than might have been expected, and perhaps were glad to be

* See Note (61) at the end.

† Sufficient evidence that the evils complained of by the University were real, is found in the Papal Bull of Emancipation, of the year 1368. It runs thus: Whereas by reason of "the endeavors of the Bishop of Lincoln to obtain the right of confirming this election, ... great injury, detriment and grievance is inflicted upon you; evil men being allowed, by the suspension of the jurisdiction, to offend with impunity, and all your University being in a fluctuating state, deprived of Director and Head," &c.

released from a heavy* responsibility and various annoyances. They did not object to the Chancellor being *in fact* independent of them; but when it went so far as the desire of the *form* also, then they became wholly indisposed to make a concession prejudicial to the rights of their office. The successors of Grosseteste as Bishop of Lincoln, (especially Henry of Lexington and Oliver Sutton,) hotly insisted upon having the Chancellor presented to them *in person* for confirmation; at least upon their right to demand this, being admitted: after which they might be willing to dispense with the formality.

But the very punctiliousness of the Bishop decided the University to resist; since they saw that it was becoming a practical question, whether he had power to reject their chosen officer. Neither side would give way, and temporary compromises were first made by help of the Pope, the King, and the Parliament. Thus in 1270, the Bishop, "out of grace and favor, and without renouncing his rights," was pleased to dispense with the personal presentation, "since it could not take place without disadvantage to the business of the University." The University on the other hand promised to perform the due ceremony of presentation "as often as it could be done without any detriment;" as often, in fact, as

* An assertion of this kind appears with reference to Grosseteste even in Wood (i. p. 87). It was from weariness, he says, at the annoyances of the academic affairs *(pertæsus oneris tractandi scholares)* that he gave over certain matters to the Archdeacon and the Prior of Osney.

the Bishop being in Oxford itself, or the neighborhood, was able to receive it.

A compromise, thus patched up, was soon rent again. In 1314 the quarrel returned with unusual violence. The Bishop excommunicated the Chancellor for not coming in person; and claimed as his own the Chancellor's whole jurisdiction. Upon the renewal of a like outburst in 1350, the Archbishop of Canterbury was at last obliged to acknowledge the Chancellor elect as in full authority, in order to avoid a greater misfortune.* Occasions for dispute recurred the oftener, since the University chose all its officers for fixed periods: whereas, the Episcopal Chancellor, as all other Episcopal Functionaries, was appointed for a longer or a shorter time, according to circumstances. We cannot speak exactly as to the rule observed on this point: but it would appear, that as early as the second half of the thirteenth century, a Chancellor was generally elected every two years; a regulation, which was established in a statutory form, at the beginning of the fourteenth century; if not earlier.† At last, after the University had long established its rights; the Pope interfered by an express Bull, and for ever‡ abolished the Bishop's

* See Note (62) at the end.

† This Statute is mentioned by *Hearne* (Rob. de. Avesb. Append.) and by Wood (ii. 395.) The latter says "*A Statute either now enacted or at least enforced with its original strictness.*" No certain regulation is to be gathered out of his *Fasti* in any earlier period.

‡ The Bull may be found in Wood (i. 183). After stating the grounds urged by the University, it proceeds: "We

formal right of ratification. Thus was the affair wound up, in the year 1338.

But the Bishops now contended, that the Chancellor, being no longer an Episcopal Officer, could not exercise the Episcopal functions as before; especially those of ecclesiastical jurisdiction and police, and the administration of Church discipline: and this will account for the Episcopal successors of Grosseteste employing the Archdeacon in such matters, rather than the Chancellor. They at the same time maintained their right to rejudge and reverse the Chancellor's ecclesiastical decisions. But the Universities had suffered so much evil from a rehearing of cases, that they had been forced long since to protest against all appeals: nevertheless, they were persisted in,* even after it had been fully established by the Church herself, that the Chancellor's power reached even to excommunication. We are not able to gather from the accounts that lie before us, at what time this remnant of the original dependence of the Chancellor on the Bishop was formally done away with. When almost thirty years had passed, since a

therefore grant, that whoever is chosen Chancellor by the said Doctors and Regent Masters, shall by that very fact (*eo ipso*) be lawfully elected; and shall be considered as confirmed, and shall need no further confirmation."—We are able to account for the matter being, thus and then, finally settled. Archbishop Wittlesey was always favorable to the University; and he regarded it as highly important to have this delicate point decided once for all. It was his influence, willingly exerted, which prevailed on Pope Urban to issue the Bull; and the University was only too happy in enjoying such intercession.

* See Note (63) at the end.

Papal Bull had finally given to the University an unfettered choice of her Chancellor; she thought it advisable to gain a like protection, against interference with his jurisdiction. The *Boniface Bull** referred much more to the Archbishop's than to the Bishop's claims, the latter being named with the former, only to render the provisions of the Bull more complete: moreover, it was never recognized by the King, nor by the Archbishop; and was recalled by later Popes. It seems then doubtful, whether it really affected the question between the University and the Bishop. Be this as it may, certainly after the Bull of 1368 every trace disappears of the Chancellor's dependence on the Bishop, both as to his nomination and as to his judicial or other competency. The Chancellor now belonged absolutely and indisputably to the University.

* I intend returning to this Bull, and remark here beforehand, that there is no doubt of its having been issued by Boniface IX. and not the VIII. That I have contrived to speak of it at this part of my work and to separate the relations existing between the University and the "*Ordinarius*" from those with the Archbishop and the Church in general, may be brought forward as a proof of my ill-arrangement of my materials. I own that there is much to be said against it; but any other mode of proceeding would have laid me open to still greater objections. At all events, I could not make up my mind to cut up into parts my explanation of the circumstances connected with the peculiar position of the Chancellor. The relation of the University to the Archbishop, although it offers much analogy in many respects, has quite another origin, and is at all events quite independent of the position and origin of the Chancellor.

[It may be well to warn the reader that the Bull of 1368 here spoken of, is *not* the Boniface Bull, but another. See the Author's Note in p. 125. In Note 83 at the end, the Boniface Bull is specially discussed.]

At the same time it must be remembered that this is only the *formal* era of the University triumph: for she had long since, practically and habitually, enforced her privileges, though against resistance. The inevitable result was, that the University had earned *for herself* the episcopal functions, having established a right, in an office of her own creating, to possess and exercise them; consequently, we may speak of the "Academic Jurisdiction,"* instead of "the Chancellor's" jurisdiction: nor is this by any means a matter of indifference.

We have said that Cambridge was generally a generation behind Oxford. It was not until 1401, that the election of the Chancellor became free from the formal sanction of her Prince Bishop of Ely, by the guarantee of a Papal Bull. The occasional *de facto* emancipation of the University may, in this case also, have been earlier. It is of more importance to know, that Cambridge was never able in other respects to free itself so completely from its

* As far as regards the *temporal* jurisdiction, I may appeal in proof to most of the Royal Privileges. That of 1244, for instance, says: "We grant to the Chancellor, *and to the University.*" That of 1248, names only "the Scholars:" "SCHOLARIBUS *concedimus liberatates subscriptas.*" As regards the spiritual power, I here need only to cite a passage out of the decision of the Synod of Reading. "Since we have heard," it says, "that certain persons have been entangled in a sentence of suspension or excommunication, issuing from the Chancellor of the University or Judges deputed by him, or from the said Chancellor *with the whole University*, or sometimes (?) *from the Regents and Non-Regents alone*" ... *&c.* Afterwards in all Papal and Royal Privileges mention is always made only of the "*Cancellarius, Magistri, et Scholares.*"

dependence upon its *Ordinarius* as Oxford; since the right of Visitation remained with the Prince Bishop of Ely even to very modern times, at least in the theory of the Courts of Law. The general reasons for this may be; that while the Prince Bishop of Ely was a more powerful Prelate than the Bishop of Lincoln, so Cambridge at all times possessed fewer material and political resources than Oxford.*

§ 236. *Duties of the later Chancellor.*

The functions and station of the Chancellor thus established, naturally secured him much veneration. His pecuniary emoluments however can never have been very considerable; and it is probable that at all times the possession of some independent fortune was practically an essential qualification for holding the office: although the University itself possessed certain paraphernalia for increasing his outward lustre on solemn occasions. His decisions were guided by old statutes and custom, and directly controlled by the Proctors: so that arbitrary power was out of the question. His competency must of course have been practically limited by his personal qualifications, especially in his management of University business, his execution of the corporate resolutions, and, generally, in the current business of the day. From the earliest times, the Chancellor

* See Note (64) at the end.

appears to have had a Veto on the academic proceedings:* and this prerogative, whether tending to good or to evil, is in closest analogy to the British Constitution. In fact, there is not one recorded case of his using the *Veto;* so that objections can be but of little weight.

His functions as *judge* were better defined. He followed primarily the Statutes of the University; next, the Roman and Canon Law: in defect of all these, the Common Law. Summary proceedings were favored as much as possible by both statute and custom. Every violation of the statutes, privileges, or approved customs of the University, it was his duty to call to account, even unsolicited. Fines of money, imprisonment, loss or suspension of the academic privileges or of the Degree, partial or total expulsion, and in cases of laymen (non-academic personages) *discommunion,* (prohibition of intercourse,) were at all times the weapons of the academic police and criminal code. Much room was left for the private opinion of such a judge, where his quasi-parental authority and power of guardianship came into play, as, toward the younger gownsmen. But over Graduates his authority did not reach so far as to expulsion, permanent or temporary, without the sanction of the Convocation. At all events, in their case recourse was always open to delegates chosen by the Masters for hearing appeals: and the Proctors appear to have been

* See Note (65) at the end.

bound to watch, in such matters also, over the rights of the Corporation. The restriction however of the Chancellor's jurisdiction by *juries* of the Nations, of which we find mention, ought to be looked upon only as a mere temporary measure taken during the riotous period of the thirteenth century.*

§ 237. *Deputies of the Chancellor.*

The first and natural Vice-gerent of the Academic Head, is, the *Cancellarius Natus*, that is to say, the oldest Doctor of Divinity. By him were the duties of the vacant office discharged in the interregnum between two Chancellors. The position was of importance at a time when the election of the Chancellor, or at least his ratification, was often delayed: but after this matter had been arranged, the temporary Chancellor practically disappeared.†

More important were the officers who gave permanent *assistance* to the Chancellor during his whole term of service. It would appear that they were nominated, or at least proposed, by the Chancellor himself.‡ They are mentioned sometimes under the name of Vice-regents, but more generally under that of Commissaries. Their number appears to have been undetermined and proportioned

* See Note (66) at the end.

† According to Wood (ii. 387) the post of *Cancellarius natus* was preserved in name at least, up to the reign of Edward VI. In the Cambridge Statutes of 1570 mention is no longer made of him.

‡ See what is said below upon the election of a Chancellor.

to the exigencies of the moment. One of them had to support the Chancellor in his judicial business as legal adviser, under the name of *Hebdomadarius* or *Assessor:* and sometimes even took his place altogether.*

§ 238. *Proctors.*

From these deputies of the Chancellor let us now turn our attention to the Proctors of the Nations, who, at least in the earlier period, stood rather by the side of the Chancellor than under him; but nevertheless derived their authority solely from the University or from the Nations which they represented. The sphere of the Proctors is nearly the same as that of the Rector at other Universities: and in all probability no very nice line could be drawn between the jurisdiction of the Proctors and that of the Chancellor; as he too represented the *Rector.*

While the Chancellor was at all regarded to represent the Bishop, it is evident that the Proctors were meant for a check upon him. But after the end of the thirteenth century we find them placed by his side, principally as Police-functionaries in the most extended sense. It was their business not only to watch over the public behaviour of the scholars by day, and more especially by night; but also to enforce the observance of the statutes in all

* See Note (67) at the end.

PROCTORS WALKING, ON THE PRESENTATION OF A SUPPLICAT FOR A DEGREE - OXFORD, APRIL, 1842.

the great scholastic exercises and solemnities, and in all instances of corporate assemblies and deliberations. They took part with the Chancellor in preliminary arrangements, in summoning, in opening and directing proceedings; and upon such occasions, *if united*, they likewise possessed a Veto. With all this was connected the control which they exercised over the finances, as Auditors. They had also much influence in the nomination of Committees for special business, special enquiries, &c. We have already noticed all that is necessary respecting their annual election. The peculiar union of moral influence and bodily powers which was requisite for this office, (as the Proctor was frequently obliged himself, to lay violent hands on the disobedient,) at all times probably restricted the election to Masters of middle age. There can be no doubt that the Proctors, like the Chancellor, were always free to choose assistants and deputies, according to occasion or need, with the agreement of the Chancellor and the sanction of Convocation. These deputies are mentioned in after-times, under the name of *Pro-proctors*, two of whom each Proctor attaches to his person; while every one of the four in turn chooses for himself two *Vice-pro-proctors*, when necessary.*

* See Note (68) at the end.

§ 239. *Steward or Seneschal.*

In naming the Steward or Seneschal of the University after the Proctors, we certainly violate the order of precedence, which ranks him next to the Chancellor. But his functions are limited and occasional; indeed are but rarely called into play. It is possible, that other and more important business originally fell to the Steward. The holding of the *Court Leet* which soon became a mere formality, was not at first insignificant, being the symbol of the subjection of the Town to the Gown: and inasmuch as, long after the rights of the University had been recognized in form, the Towns-people endeavored by force to prevent their exercise; the University might well desire the help of a Steward, chosen from the more powerful Peers of the neighborhood. He was able not only to throw political, social, moral influence into their scale, but also to make manual demonstration with his retinue in favor of the Academic privileges. It is very probable that the rank of the stewards in early days is that which has bestowed so much lustre on the office. Hence at later periods the choice fell on some distinguished personage, although more remotely connected with the University. We have already remarked that, (at least at Oxford,) the origin of this office may probably be dated from the middle of the fourteenth century, when the University first gained feudal rights over the Town.

Whether from the very first, as afterwards, the Steward was first nominated for life by the Chancellor, and then confirmed by the Convocation, I cannot undertake to determine.*

§ 240. *Other Officers.*

As to the other Academic Officers, we may content ourselves with a simple enumeration of them, accompanied by a very few remarks. Among these were the *Masters of the Streets;* who assisted the Proctors in the administration of the street police: the *Clerks of the Market;* who exercised the market police, and that pertaining to bargain and sale, in the name of the University: the *Ædiles* or Taxors, who superintended transactions between landlords and their academic tenants: the *Custodes* [Trustees?] both of the general University chest, and of various endowments, which were managed separately: the *Scrutineers*, as assistants or deputies of the Proctors in collecting the votes in Convocation: the *Collectors*, and *Masters of the Schools* or *Moderators*, who had, after the Proctors, to maintain the Scholastic police in the Disputations,

* I have nothing to add respecting the origin of the office of Steward, except the following. According to the Oxford University Calendar, the Steward has still to perform the formality of holding a Court Leet. In the extract from the Oxford Statutes which lies before me, the section "*de Seneschallo*" is not filled up at all. In the Edwardian and Elizabethan Statutes, no mention whatever is made of him, either in Oxford or Cambridge: Cambridge is supposed to owe its Steward to the Royal Privilege of 1561; but of this I have my doubts.

Acts, &c. The election or nomination of all these officers lasted according to principle, a year.*

As to the more subordinate offices of Record-keeper, Secretary, Registrar, and Librarian,† they doubtless all existed, in fact ever since the University became possessed of the things which rendered their agency necessary: but they are never named as definite and distinct academic officers, before the beginning of the fifteenth century. The same may be said of the *Public Orator*, who likewise is mentioned first in the sixteenth century;‡ although

* That these various offices once existed, is proved, partly by scattered accounts in Wood, partly by later Statutes. Many of them were afterwards merged in others or entirely abolished. In this way the Edwardian Statutes dealt with the Clerks of the Market and Taxors: in fact, officers to value the students-*rents* had become unnecessary, when the University was lodged in Colleges, and not in houses hired from the Town. The post of Taxor was accordingly joined to another, without, however, entirely doing away the name. Moreover all these officers were in some sense assistants of the Proctors. The Masters of the Streets at all events were afterwards nominated by them, and seem nearly to coincide with the modern Pro-proctors.

† We have already seen that a Chaplaincy was founded in connexion with the superintendence of the Cobham Library. A similar endowment probably existed for the Humphreyan library also. The Chaplain was then in reality the Librarian, although not so called. In the Edwardian Statutes no Librarian is mentioned, nor yet in the Cambridge Statutes of 1570: but this proves nothing. A Grace of the year 1581 takes measures for an increase of the salary of the Cambridge Librarian. The Bodleian Library, which absorbed all that remained of the earlier ones, was from the very first very richly provided for in this respect. The Ratcliffe Library, of which more afterwards, of course had its own Librarian, &c. [In all later days the Bodleian Library appears to have been, as it is, very *inadequately* supplied with Librarians.]

‡ In Henry the Seventh's time it was an Italian, Caius Auberinus, who held the office of Orator at Oxford. He was paid twenty-pence for every Latin letter. (v. Warton iii. 245.)

without a doubt there must have been always some one to hold intercourse with those without the sphere of the University, either by writing, or by word of mouth. It appears from extant accounts, that those upon whom this office was irregularly imposed, very often refused to undertake the unpleasant consequences of it; and that a settled post for life was therefore created, with the duties defined and salary proportioned to them.*

To the University were also attached certain servants, (*ministri, servientes,*) the more important of whom we may include under the usual name of Beadles without entering into any further distinctions as to the title, the rank, or the functions of these officers. Among these we may at the same time reckon watchmen, messengers, attendants, and others of a subordinate nature. The number of the real Beadles in Oxford appears at a very early period to have been fixed at *six*. The proportions were much more modest at Cambridge, in this, as in other respects.

§ 241. *Officers, either paid or unpaid, permanent or annual.*

A more decided and characteristic distinction between the different academic officers, than their higher or lower rank, is:—that although they were all elective, some of them were *without* any settled

* See Note (69) at the end.

salary and changed annually, while others were for life, and were provided with *fixed salaries*. According to this distinction, the latter only (from the Public Orator downwards) ought perhaps to be called *Officers* or Functionaries; while the former (from the Chancellor downwards) ought to be looked upon rather as temporary *Representatives* of the Corporation, commissioned for certain purposes. At the periodof which we are at present speaking, the number of functionaries was small, and was confined almost entirely to the Secretary and the Beadles.* The further developement of the academic economy in this direction would consequently belong more to a subsequent period. The germ certainly lies further back; but the accounts of details are very uncertain.

§ 242. *University Teachers.*

Remembering how late the endowed Professorships arose, it will be clear why the Regent-Masters and their Assembly were in the earlier period the University Teachers. If from time to time certain fees may have been ensured to distinguished lecturers, that is a matter which cannot here be regarded. One result however of the authority and agency of the Regent-Masters, was, that the University itself became recognized as an organ of

* See Note (70) at the end.

religious instruction. Independently of the multifarious academic endowments, with which were connected masses, sermons,* &c.; independently too of the probationary sermons, prescribed for the attainment of theological degrees, to say nothing of other observances enjoined by the Statutes; the Universities had also a very ancient right of licensing preachers in England and Wales.† Now this was regulated by the assembly of the Regents, the *Congregation*. Patronage of the endowments dependent upon the University belonged on the contrary, either as a matter of election, or in the way of administration, to the general assembly of the Masters, the *Convocation*.

These general assemblies however, though supreme in authority, were too large and too tumultuous for the transaction of difficult affairs. The necessity must very often have been felt of having the business prepared beforehand by a select body of competent persons. There is no doubt that Committees of this kind were elected at a very

* According to Wood (ii. 46) these addresses were designated under the expression of "*Shaggeling lectures*." Among such he reckons those of R. Pullenus, for instance, in the thirteenth Century, and a few others to the beginning of the sixteenth. The derivation of the word may perhaps be "shake." *Shachlin* signifies in Scotch and North country dialect, "wavering, shaking, fluctuating."

† The "*Jus concedendi licentias concionandi per universam Angliam*" (Stat. Ox. T. ix Sect. 9) occurs as early as 1490, and is certainly of very great antiquity. Under Elizabeth, this right was limited to the granting of twelve licences yearly; but unless it was afterwards again extended, the restriction was forgotten by the Oxford men: likely enough; since the right was so seldom claimed.

early period, sometimes temporarily upon extraordinary cases, sometimes annually for certain current affairs of the year; but more especially in matters of administration, and upon appeals.* In fact, the whole academic administration was constituted upon this principle. The Chancellor and Proctors were nothing but delegates or commissioners of the Corporation: and it would be difficult to draw any other line between these academic authorities, than that which distinguishes the officers charged with the *regular* current business from those who were only temporarily made use of upon *extraordinary* commissions; whose authority ceased with the business on which they were employed, and not with any fixed period of time.

§ 243. *Recapitulation.*

If now we recapitulate the principal traits of the earlier Universities, we find, in the first place, a Scholastic Corporation *based in Arts;* uniting

* I do not, it is true, find any distinct accounts of such committees before the beginning of the sixteenth century: but they are mentioned afterwards so often, and in such a manner, that I cannot doubt that so natural an arrangement must have pre-existed. We should be forced in truth to entertain a strange opinion of the corporate instincts of the Middle Ages, if the reason advanced for this regulation in the Oxford Statutes of 1636 had not been felt and acted upon at all times. "Since the various business of the University," says the Statute, "can be expedited more quickly and more commodiously by few than by many," &c. In Oxford the members of these committees were generally called "delegates;" in Cambridge more commonly "syndics." Variations may have taken place in details: but of such no accounts are to be found.

organically in itself: (1) a number of schools and boarding houses, some of which were already endowed corporations; Academicians who were not members of such societies being only *tolerated*: (2) the two Nations: (3) the Faculties, developed to a certain importance in a scholastic, but scarcely noticeable in a corporate point of view.

We further find as central powers: (1) The CONGREGATION of the Regents for scholastic business and arrangements: (2) The CONVOCATION of all the Masters for all other business. This Assembly consisted originally of the real Teachers and Heads of the Houses, (for the Houses were once represented in it;) but all its functions were soon imparted, with the Master's degree, to a great number of persons, who had no connection with the academic teaching or discipline. The Convocation received by this means more of a democratic character. For although it might seem an aristocracy, in contradistinction to the mass of the scholars; yet (when it came to be a thing of course to proceed to the Master's degree,) it was too open, too often renewed in its elements, too fluctuating, riotous and numerous, to correspond to the idea of an aristocracy. (3) We have finally the CHANCELLOR, as Head of the University,* and by his side the PROCTORS, as representatives of the Nations, that is, of

* We speak here of the character of the Chancellor as it was understood and maintained *by the University* at a very early period; although it was not recognized by those beyond the sphere of the University until later.

the democratic element which prevailed in the Nations; which thus found a place by the side of the Masters. The other officers, elected by the majority of the Assembly of the Masters, must be looked upon as only their representatives, for the execution and administration of the privileges, laws, decrees, and general business.

Part Second: Later Constitution of the Universities, after the rise of the Colleges.

We have thus completed the former part of the first Division of this chapter; and have ended all that we deemed important to mention concerning the earlier constitution of the Universities; but we have now to make as it were a new beginning; to consider these corporations in their modern state.

The principal features of the older organization were in part modified by the substitution of the Vice-Chancellor for the Chancellor, and by the endowment of Professorships: but neither of these changes exercised a power at all to compare to that which has proceeded from the institutions called Colleges. So peculiar has been the influence of the latter, as to demand a detailed consideration.

§ 244. *Sources of the College power.*

We have already spoken somewhat minutely in the first volume, concerning the rise of the Colleges; and it is enough here to recapitulate the results. It appeared that after the middle of the thirteenth century, there arose, by the side of the unendowed and free Halls, certain endowed and incorporated societies for lodging and boarding, with the name of Colleges. Few at first, and but little distinguished from the Halls, they grew in importance with their number and wealth, and with the increasing decrepitude of the older academic elements. Toward the end of the fifteenth century we find the University already crowded into the Colleges; on which also the few remaining Halls had become, in part, dependent. The revival of Classic studies in the Colleges gave them new importance as organs of *teaching*,—and therefore (in a scientific sense) of *ruling*,—at a time when the Classic literature was the only branch of knowledge, on which any living intellectual energy was exerted. Independent themselves of the University, they had made it dependent on them. The Visitor, the Church, or the Crown, (at least when, in fact or in fiction, the Crown was *Founder*,) was able, more or less, to interfere with the interior arrangements of the Colleges; but the University was unable. It could only demand that the College Statutes should not encroach upon, and

come into collision with the general Academic enactments. When it farther asked help and strength from the Colleges, for maintaining and executing the public regulations, their compliance and ready aid became the foundation of their real rule over the University. The maintenance of the Academic discipline was altogether impossible without their co-operation. The Police and the Courts of the University were doubtless *authorized* to lay hands upon every delinquent: but the execution of the law might be either facilitated by the zeal, or frustrated by the lukewarmness, of the Colleges. Prevention was still more important than punishment; and herein the University was helpless, the Colleges powerful. The means of punishment, also, possessed by the latter, were quicker and more direct; and, because applicable to smaller transgressions, far more effective in checking evil, before it became too serious. In power of rewarding, the Colleges had a still more decisive preponderance: inasmuch as most of the Fellowships, Scholarships, Church Benefices, &c., depended upon one or other of the Colleges; whilst the Universities themselves were still very poor in all such matters. The power of wealth in society at large, in so far as it is unavoidable, is unblamable: and this also was on the side of the Colleges. Scholars, Masters, Doctors, were generally indigent, except when they belonged to these institutions. How many cases must have occurred, where it was impossible to

maintain the wants, the interests, and the rights of the University without pecuniary support on the part of the Colleges.

The positive evidence to this effect is not much, yet it is enough to prove that other cases of the kind must have frequently occurred. In the Cambridge Statutes of 1559, it is provided that each College shall pay all fines, as well as the fees for degrees, to the University, and shall exact repayment from the delinquent or the graduate. In 1542, a sort of income tax *(pro ratâ)* was imposed on the Colleges, that the University might be able to provide ten men for the Duke of Norfolk. The Colleges also made a collection in Mary's reign, for the purchase of a silver cross which had to be replaced. In 1560, the Colleges again made a subscription to meet the extra-charges of the Registrar. In the same year they appointed and paid certain officers to watch at Stourbridge fair over the rights of the University, so much attacked by the Town. Of course this does not imply any compulsory tax. In Oxford also, the Colleges in 1574 contributed to pay the salary of John Drusius from Flanders, "for teaching Syriac."*

Not that in their mutual relation, the University was wholly without control over her subordinate institutions. She had full power over the Academic

* The necessary testimony for the facts advanced above with respect to Cambridge may be found in Lamb. (Collect, &c. pp. 101, 121, 151, 225.)

Degrees, the attainment of which was indispensable to the Colleges, as the end and aim of their members' career: and this mutual dependence was enough to make a real conflict between the Colleges and the University most injurious to both parties. But there was no danger of this, since by obtaining the Degree, every Collegian became a member of the academic legislative body, and thus the University was entirely composed of Collegiate elements. For, as we have seen in the fifteenth century, the great majority of resident Masters consisted of College Fellows and others who shared in College endowments: and at the same time all residents were forced to matriculate in some College, unless exempted by express dispensation. Nay, even non-resident *Masters* and *Doctors* could preserve the University-franchise only by keeping their names on the College books and paying a yearly tax to the College for that purpose — as a sort of fine for their non-residence in defiance of the statutes.*

* I do not know when this custom first arose, nor whether it ever received actual sanction by Statute. It must be very ancient; as it was derived from the old principle that every academic member must belong to a Hall. It was consequently no restriction of the rights of the Degree, but an advantage which permitted non-residents to preserve their rights. [This yearly payment is certainly not altogether to be viewed as *a sort of fine*. It is, at least in part, the payment made by the member of a free society, toward the annual expences of the society. The University expences are of course considerable, for keeping buildings in repair, keeping up University paths, lighting and watching, besides the maintenance of various subordinate officers, and other matters not provided for by endowments.]

§ 245. *Power of the Head of the College.*

The Heads of the Colleges, being their only representatives in their exterior relations, were sure to possess a decisive influence: and although the Fellows had great power to oppose them, and theoretically the internal system was decidedly republican; yet the Statutes gave to the Head such a prominence, that, with energy, ability and judgment, his real influence became quite preponderating. The centralization of business in his hands became more necessary, the higher the importance of the Colleges rose. Moreover most of the Heads either originally possessed or acquired in the progress of time, a *Veto* on all the College legislation and administration; even as to the choice of officers, the bestowal of emoluments, and in many cases also, as to the admission of new members to the foundation.*

§ 246. *Board of the Heads.*

This actual preponderance of the Colleges and their Heads, within the University, was at length recognized by those without. And whatever may have been the intention of such a recognition, however much it may have been at first unconscious or casual, the result was the same; to enlarge the College power, and to establish it in form. For

* See Note (71) at the end.

when, without the help of the Heads of Houses, neither the University nor the higher Powers without could execute their own decisions: when those Powers would in consequence address themselves to the Heads directly; when the Chancellor too was obliged to come to an understanding with them; the real direction of academic affairs necessarily fell into the hands of a Board, formed of Heads, under the Presidency of the Chancellor, and in conjunction with the Proctors. The Heads of Houses, in executing the decisions of the older authorities, naturally gained a right to influence those decisions, and a co-ordinate voice in the University councils.*

It followed as naturally, that certain other persons obtained a seat at the Board, with the Heads of the Colleges; especially, the Principals of the few remaining Halls; which had kept their ground in fact only by taking a part in the general progress as active as at least the smaller Colleges had taken. To these, however were added likewise the Doctors of the higher Faculties. The last would chiefly be Doctors of Divinity, as generally seniors in their Colleges and of long experience in the University.

* See Note (72) at the end.

§ 247. *That a Board similar to the later Board of the Heads, existed in rather early times.*

A supreme Board, composed of the Chancellor, the Proctors, the Heads of Colleges and Halls, and the Doctors, is to be found in Oxford in the middle of the fifteenth century, under the name of the *Black Congregation*; nor can we doubt that at Cambridge the same thing in substance existed, although not perhaps under the same name.

I am here obliged to enter more into detail, since the whole matter has been passed over in silence by others, or altogether denied: as in fact all that part of it has been, which throws light on the gradual developement of the power of the Heads. I have not found any earlier mention of it, than in 1454, (Wood ii. 409,) where however it appears as an established thing. Certain matters, it is said, "are laid before the Black Congregation;" evidently, for the purpose of determining whether they were to be afterwards brought before the Convocation, or not. No further mention is afterwards made of it, until 1569, when Leicester established the "Weekly Meeting;" because, says Wood, "the Black Congregation had become obsolete, before which the Proctors used to lay the matters to be treated in solemn Convocation, and to which this meeting has succeeded." In the year 1600, on a dispute between the Proctors and the Vice-Chancellor respecting their respective

competency, we find it stated, that "the Proctors, without consulting the Chancellor, convened the Congregation called Black; and when they had assembled very many eminent men," &c. If then the Black Congregation here mentioned is the same as before, it had not absolutely vanished even in 1569. No mention is afterwards made of it; but I do not infer that no Doctors were afterwards ever united with the Heads of Houses in the University deliberations: nor was this the point of difference between the Black Congregation and the Weekly Meeting, which was at length formally established by the statutes of Charles. Moreover it seems probable, that in this earlier assembly not *all* the Doctors were convened or admitted, but only the more eminent (*potioris notæ*). Its powers were of course the same as those of the Weekly Meeting.

That a similar Board existed at Cambridge at the same early period as the Black Congregation at Oxford, may be surely inferred from the fact that no express enactment is found concerning it in the Statutes either of 1549 or of 1550, or of 1570, though it is alluded to in so many important regulations of these very statutes; while in numerous Orders from the King and Privy Council, as in Letters from the Chancellor, it is recognized as in long established and active operation. Thus in 1579, we have frequent letters of the Chancellor, "to the Vice-chancellor, Masters,* Presidents, and

* In this, the "Masters" by no means signifies Masters of Arts, but Heads of Colleges.

Doctors of the University." These persons conjointly are also once called [in English words] "the Sages of the University." The Privy Council of the same period frequently addressed writs to the "Vice-chancellor, Masters, Doctors, and Proctors:" several other instances of a similar kind occur afterwards; but we gradually find the Doctors frequently omitted. From all these documents and notices* it is very clear that reference is made, not to the Academic Senate† but to a higher Board, vested with initiation and executive powers, completely corresponding to the Black Congregation in Oxford, and its successor, the Weekly Meeting. As early as 1507, moreover,‡ the election of the Taxors was left in the hands of the "Provosts (*Præpositi*) and Doctors."

I am unable to give the real distinctive by name of this assembly in Cambridge. Two titles appear, [both in English words,] which remind us of the Black Congregation, but which designate quite other matters. In the first place "the Black Hood Congregation;" the name given to the Congregation of Regent Masters, on account of the black lining of the hoods; and secondly, "A Black Assembly;" which is mentioned several times about the middle of the sixteenth century.‖ The latter was a body consisting of the Chancellor, the Proctors, and some of the Heads (*Præpositi*) on the part of

* Lamb pp. 51, 53, 57, 231, &c.
† *Senate* is the title used at Cambridge, for the Assembly.
‡ Walsh p. 17. ‖ Lamb pp. 73, 93, 190.

the *University*, and at the same time, of the Provost and Bailiffs on the part of the *Town*, for the direction of certain police matters, and more especially of carrying arms; but this was not all the nature of the Black Congregation at Oxford. I cannot determine what was the position of the Cambridge *Caput* with reference to the assembly of the Provosts and Doctors.

§ 248. *Inconsistencies in the Statutes.*

A Board made up for existing exigencies, with much that was variable in its composition and in its powers, standing moreover in a very uncertain relation to the older corporate organs;—whatever its momentary advantages, could not but in the long run entail various evils: and in the sixteenth century, efforts at amendment by University-legislation were made. Indeed in the irregular growth of the whole Statutory system such inconsistencies had arisen, that under the demands and possibilities of the times, conscientiously to execute the Statutes was out of the question. In each separate case of need, men helped themselves out by resolutions and regulations: (this was *their* way of upholding the privileges, rights and interests of the University, as far as they had some rude conception of their own corporate existence:) but whether earlier and newer resolutions harmonized or not, that did not trouble their minds; or in stubborn cases, it was

got rid of by special shifts. Yet to the whole confused and heterogeneous mass, all University-members continued to pledge themselves by oath; — an oath which of necessity was often violated. Many ordinances were neglected, perhaps because they were unknown; else, because it was either impossible or inconvenient to keep them: while the observance of one statute often caused the violation of ten others. The simplicity of the times leapt over all niceties, and was not conscious of a breach of faith; and absolution by the Chancellor would at any moment ease tender consciences. All proceeded *out* of, and was carried on *in* the spirit of the Middle-Age Catholicism.* But things took quite another turn when the new period,— the Schism, the Reformation,—commenced. Confusion then became twice confounded by the violent interference of the temporal power, which broke down or removed for a time all the rightful foundations of things. It will be remembered that for the space of ten years all the Privileges and Statutes of the Universities remained suspended in the hands of Henry VIII; so that no corporate act could be done without his express permission: as in 1532, when the election of the Chancellor took place only in pursuance of a Royal Letter. The

* I have already mentioned that this power of absolution is, in form, possessed by the Chancellor of Cambridge up to the present moment. It is frequently mentioned with regard to Oxford in earlier times; for instance in 1472: "The power given to the Chancellor of absolving the University of the guilt of perjury in neglecting the Statutes." (v. Wood).

shifting methods pursued in the election of the Proctors, may give some idea of the then existing uncertainty. In 1530, the Proctors of the previous year were continued in office, by an order from the Cardinal Wolsey *(who held absolutely no Academic office himself)* addressed to the "Chief Members of the University." In 1534, one Proctor was nominated by the King, the other was elected. In 1538 both were elected. In 1541 both were nominated by the King. In 1542 and 43 both were elected by the Heads of the Colleges. These instances suffice as illustrations of this point.—But, beside the confusion introduced by the interference of Power, a new spirit, foreign and even hostile to the state of things which had actually grown up, began to exert itself in the Academic legislation. On the one hand, men became more conscious of these contradictions, and of the evils they entailed; and aware that it was made difficult or even impossible to execute solemn engagements. On the other, many were possessed with the empty spirit of arbitrary, unchristian, unreflecting censoriousness, mistaking disapproval and denial for reform; a vice which so soon attached itself to the reformationary movement. At the same time, the remedy once found in the Chancellor's absolution, had lost all its efficacy in the eyes of the new generation.

§ 249. *Attempts at Reform.*

When the victory of the Reformation was decided, many may have believed the easiest remedy to consist in rescinding the whole Catholic legislation, and reconstructing the entire fabric. A spirit of this kind proclaimed itself clearly enough in the Edwardian Statutes, although more in intention than in execution. In the Introduction to them it is said: "We are desirous of establishing certain laws, &c. . . . in order that your obscure and antiquated semi-barbarous Statutes, already in great part unintelligible, on account of their age," &c. Whether in the construction of these Statutes* the extreme party of the Reformation (the Puritanical and Democratic element) was consciously at work, aiming to elevate the Academic Democracy, I cannot say. These legislators, however with all their lofty views, and confident contempt of the past, had very little idea of what they needed, or what they were about. It is however very remarkable, that while they proclaimed aloud, that they intended to

* These Statutes, together with other documents, supplementary papers, &c., and a journal kept by the Squire Bedell at the time of the Visitation, are published in Lamb's Collection. The journal is very scantily and timorously written: (the author was suspected of Popery:) but there is enough to enable us to conclude that the Visitation was carried on in a less violent and unprincipled way in Cambridge than in Oxford; which agrees with Wood's testimony. This perhaps may be explained by the especial protection of Somerset, who had been chosen Chancellor by the University, upon the principle: "I have found a man after my own heart."

do away with all the errors, and shackles of the past, yet in many very essential points of the Academic constitution, they did but return (knowingly or unknowingly) to the oldest Statutes, passing over all that the Colleges had brought-in: although to aim at executing the ancient Statutes without the help of the Colleges, could do nothing but drive confusion to the highest pitch. How far the powers of the Black Congregation in Oxford, especially with respect to elections, were suppressed, it is impossible to determine; since we are not acquainted with the former limits of their authority. Nothing at all is mentioned concerning it. With respect to Cambridge we have a few data. The Cycle of Proctors, established in 1514 by the growth of the College influence, was abolished, and the election restored to the general assembly of the Masters.

The same was the case with the Taxors, who in 1507* were nominated by the Provosts and Doctors. We may probably conclude,—since in 1549 the election of the Vice-chancellor and of some other officers, was certainly given into the hands of the Masters of Arts,—that this also was an inroad upon the authority of the "Provosts and Doctors." It is strange enough, that neither of that body, nor of the *Caput*, is a single word said.

* Walsh, p. 67.

§ 250. *Reaction favorable to the College System.*

The Catholic Restoration under Mary sought to restore all, good or bad, that the Reformation had destroyed: and re-established, for the time, all that had grown up with the crisis of the Reformation, except those modifications, which experience had shown to be necessary.* The Reformation under Elizabeth began by a repeal of all that had been restored by the Catholics, and went back to the Statutes of 1549, which it re-established by a new Visitation at both Universities.† Nevertheless, in actual fact, the intentions of the ruling powers were counteracted and overborne by the real exigencies of the case and of the times, which had been so little taken into consideration in the new Statutes. Unless the Colleges were to be entirely suppressed, (and then how much would have remained of the Universities?) it was absolutely necessary to recognize their preponderating influence. But so little idea was there of doing away with the Colleges, that (as we have seen) several new ones were founded, and the old ones received a considerable increase in extent and wealth. It is true that at the same time the *Universities* also received a great stimulus, by the increase in numbers and from other causes; but even this turned out directly and indirectly, to the advantage of the

* See Note (73) at the end.

† The so-called Statutes of 1559 given in Lamb, are almost entirely a repetition word for word of those of 1549.

Colleges, which were now become the real representatives of the University, upon the principle, —"to him that hath, shall be given." Much of this may be looked upon as matter of course: but there is one point which requires closer investigation. The Statutes of 1549 had taken all University authority away from the Higher Board, which had been really the organ of the Colleges, suppressing even the mention of it; and had transferred the power to the assembly of the Masters of Arts, as in the thirteenth and fourteenth centuries. At that time the members of the Universities were so few, that the influence of the College Oligarchy (by their Heads and Seniors) must have predominated even in the Congregation and in the Convocation. But it was quite otherwise under Elizabeth, when the nucleus of older men was once more surrounded by a numerous youthful population, which after attaining the *Degree* had a seat, a vote, and an actual majority in those assemblies. No one, we should think, who understands those times, and knows the passions which had been excited in the course of the Reformationary struggle, would dream that so decided a power could be wholesomely lodged in the hands of the younger generation; and that to make them arbiters on academic affairs, often of so difficult and complicated a nature, could be in any way desirable: nor is it surprising, that the leaders of the party which then prevailed in Church and State, (anti-democratic as was its

position,) looked on such a state of things as very hazardous; believing also that it might at any moment give champions and weapons to the Puritan or the Papist.* A reaction in favor of the College Oligarchy was thus unavoidable; and it took place at both Universities in the very beginning of Elizabeth's reign. Through personal influences, which we have already mentioned, it reached its end and aim much sooner and more completely at Cambridge than at Oxford. Its effect at Cambridge was seen in the Statutes of 1570; and we are peculiarly bound to examine these, because both then and in later times, they have been exposed to violent attacks, which may be not the less effectual for being utterly groundless.

§ 251. *Great Reform of the* CAMBRIDGE *Statutes in* 1570.

The main and avowed object of these Statutes went no further upon the whole, than to set aside the Statutes of 1549; which, through overlooking existing realities with which nevertheless they could not dispense, had, in many most important points of the Constitution, sunk into a mere negation, out of which came nothing but perplexity, destruction, and obstruction. The new Statutes were intended, we say, definitely to set aside the Statutes of 1549 in these points. Hereby, they restored to the natural

* See Note (74) at the end.

authorities the formal recognition which they had had even earlier, and again more lately by Cardinal Pole's ordinances; and in some respects they extended the same sanction farther than before. The effect of this, (no doubt, intended,) was, to put a sharper edge than ever on the Oligarchy: yet the only questions involved seem to have been those of *more or less;* and often, they did nothing but define formalities which up to that time had been fluctuating. Naturally these measures excited violent opposition, alike in mere partizans, and in those who on principle favored democratic tendencies in the Universities: yet the Opposition was certainly in the wrong, unless it was able and willing to annihilate the College system, as well as the College authority. Honorable therefore as the intentions of some of the party may have been, and however well founded some of their complaints and fears, their efforts upon the whole did but tend to produce interruption, anarchy, and confusion.

As for the *mode* in which the new Statutes were drawn up and introduced, the charges against it, by which even their validity has been assailed, are perfectly imaginary. Not a single right, not a single form was violated upon the occasion. It is true that both the Queen herself, and yet more the Chancellor Cecil, and some other high functionaries, took lively interest in this affair; and that the new Statutes were in a semi-official manner proclaimed and represented as the Queen's own work.

But this in no way contradicts another account that it was the well known divine, Whitgift, (at that time Master of Trinity Hall, and afterwards Archbishop of Canterbury,)—together with some other Heads of Houses, the chiefs of the High Church party, —who drew up these Statutes. Whether this was done at the Chancellor's order, or at the Queen's, or upon his own impulse, there was no reason to regard it as any violation of the Statutes or Privileges. Under the last supposition, (which is a very improbable one,) the new code could have been treated as only the work of a private individual, until the competent authorities had made it their own.* At all events the after course of the affair renders this question nugatory. Whencesoever the plan had its origin, it was examined and approved by the Chancellor, afterwards by the Queen; and was then presented to the University for acceptance and observance, under the form of a Royal Ordinance with the Great Seal, in September 1570. That these Statutes, to be valid, needed neither the formal vote of the University, nor the sanction of Parliament, admits of no doubt; as we shall see hereafter: at all events not a trace is to be found at the time, of any doubt or protest on the part of

* I have no express proof that Whitgift was commissioned by Cecil to undertake this work: but neither do I find proof of the contrary. Considering the friendly relations between the two men, such a commission appears too probable and in every respect natural, to need proof. In my statements above I have followed Dyer, Fuller, and Lamb (in his introduction.) I have not been able to get Strype's Life of Whitgift.

the persons most concerned. The Statutes were presented to the assembled University for its observance in the same manner as those of 1549, 1556, and 1559, were deposited in the Archives, and entered in the Proctor's book. That they were not received with general approbation, and that no special address of thanks was voted, need not surprise us, and cannot affect their validity. No opportunity was given to vote *against* them; whether however a majority of the Masters and Doctors would have rejected them, is at all events no where proved. Opposition was first manifested, by the Proctors of the previous year meeting with some of the Masters, to consult how to parry or modify the new enactments. In the following year took place the great Incorporation Act of the Universities, in which their existing state was guaranteed not only by the Crown but also, for *greater* security, by the Parliament. The late Statutes were not expressly mentioned, but must have been tacitly comprehended in this guarantee; nor was a single doubt raised as to their validity or propriety. The month of May, 1572, (two years after the Statutes had been in full force,) arrived, before the Cambridge Opposition had laid before the Privy Council a Plaint, signed by about a hundred and sixty members of the University, residents and non-residents, graduates and under-graduates, nominally against the Chancellor and the Heads of the Colleges; but really against the Statutes.

The matter was referred to the decision of a Committee consisting of the two Archbishops and three Bishops; and the decision finally given, (after several hearings of the case,) was, that no ground had been made out for any further change in the Statutes. They have remained, consequently, to the present day, in undisturbed efficacy; which among other ends, has attained that of limiting the opposition at all times to a tolerably small minority. It was only during the usurpation of the Parliament and of the Protector, that this minority gained the upper hand: even then, it did not think fit to effect any change in the much decried Statutes.*

§ 252. *Power of the Heads of Houses, at Cambridge.*

On looking at the results of this great legislative crisis in the University of Cambridge, the principal points then and thenceforth established will be found to be as follows. The power of the Heads of Houses rested principally upon the following attributes, which were sanctioned or prescribed by the new Statutes, in part expressly, in part tacitly or by implication. They had decisive influence in the *appointment* to almost all *Academic Offices* by (direct or indirect) nomination of one or more candidates, to the election of whom the Senate was restricted. With them it rested to *interpret the*

* See Note (75) at the end.

Statutes; with which was connected discretionary authority as to all misdemeanors not provided against by Statute. No new measure could be proposed to the Senates, unless previously approved by the Board of Heads; in whom was also vested the direction of all Academic business. Both these rights, it is true, were only *indirectly** exercised by the Heads; the first, through the Board called the *Caput*; the second, through the Vice-chancellor: but as the choice of these two authorities lies mainly with the Heads; and as the Vice-chancellor [himself one of the Heads] never acts in any very important affair, without their co-operation, they are the real centre of power, even where they do not come forward formally and directly.†

Let us now turn to consider in detail the appointments to Academic offices; and first, of the Chancellor.

§ 253. (A) *Election of the Chancellor.*

Strange as it may seem, the choice of the Chancellor was left to the Masters of Arts and Doctors, as in old times, without a previous approval of the Candidates by the Heads of the Colleges. But in fact, the office itself had gradually lost its original meaning, and had become a mere‡ honorary post.

* [In the original the word is *unmittelbar* "immediately," "directly," but this must surely be an error. — (*Mr. Palgrave Simpson.*)]

† See Note (76) at the end.

‡ [This appears quite in opposition to the general narrative in chapters viii. and ix. It is in fact modified in the very next

The right of the Senate therefore remained the same in form, but not the same in substance. This point however must be more minutely explained; and in my explanation both Universities will be comprised, as they offer herein no difference.

Ever since the middle of the fifteenth century (as we have already seen) the need of a powerful intercessor at Court or among the party-leaders, had introduced the custom of choosing as Academic Chancellor, no longer a mere resident and graduated member, but some great Ecclesiastic or Statesman. In consequence, the choice once made was at first perpetually renewed at the recurring periods of election; then tacitly continued for a greater length of time, and finally made for life.* By this proceeding they avoided the embarrassment of frequent elections, which would appear anything but an honor, if not ensured by a very considerable majority. Indeed when the Benefactor of the University as it were outlived himself; that is to say, his fortunes and his influence; the connection either broke off of itself, or was expressly dissolved. A new choice was then made, often from among the very rivals and inheritors of the power of the former Patron.†

section, where the Author states that the election of Chancellor was *too important* for the University to give up to the Heads.]

* [The University so acts likewise towards its Parliamentary Representatives in all ordinary cases.]

† See Note (77) at the end.

§ 254. (B) *Functions and Election of the Vice-Chancellor.*

The further progress of this change might be anticipated. Henceforth the Chancellor had seldom time or taste for common University-business; and a deputy, who before had been occasionally called-in, now became permanently needed. The title of this deputy was not previously very uniform: we find him called *Commissary*, *Pro-chancellor*, and *Vice-chancellor*. The last however continued to be alone used after the middle of the sixteenth century. The limits of his authority, and still more those of his real exercise of power, must have fluctuated greatly, as long as the Chancellor had still upon occasions, the will, or leisure to act in person; a right which could never be refused him. We have seen how little inclined Laud was, to give up the exercise of many important duties of the Oxford Chancellorship; instances similar in kind, though less in degree, recur under the Restoration. In such cases the social and political position of the Chancellor ensured him a greater and more widespread influence than the former Chancellors were ever able to obtain. Since the Revolution, however, or at all events since the middle of the last century, no Academic Chancellor can have looked upon his office as any thing but an honorary distinction, or was likely to pay any attention to the Academic affairs, except as Patron and Benefactor.

Yet there exists no Statute, no interpretation, that could prevent the Duke of Wellington in Oxford, or the Marquis Camden in Cambridge, from undertaking in person, at any moment, all the business which has so long been conducted by the Vice-chancellor.

Under these circumstances, the University was not willing to yield up to the College Oligarchy so important a matter, as this election, recurring every ten or twenty years, and the original solemn mode of election was in this case retained. In fact, the great man who was to be chosen, would naturally wish to receive his honor by the free choice of the whole Corporation, and with at least a very imposing majority. Feelings of this kind, resulting from the high position of the person chosen, were in themselves a sufficient guarantee, that the honor would not be accepted, if it were in any way the work of a riotous, democratic reaction against the Oligarchy: and least of all, if the Chancellor had really intentions of making his office more than a mere post of honor. Moreover, in any case, the Oligarchal influence was sufficient to hinder a completely offensive choice.

But all this gave new importance to the office of Vice-chancellor, and to his annual election. His active presence was even of more permanent effect than that of the earlier Chancellors, especially at the time when the new practice was still unsettled. He had been originally only a Commissary, and we

find him mentioned under this title even after the middle of the sixteenth century. But he now seldom needed the help of other Commissaries, (of whom there had before been very often three or four;) as he was but rarely hindered from personal attention to business, and the Heads of the Colleges had now become Assessors to the Vice-chancellor, as before to the Chancellor. And thus in the Cambridge Statutes we find mention no longer made of any but a Judicial and legal *Commissary* or Assessor. At Oxford four Commissaries were awhile kept up under the title of "Pro-Vice-chancellors," but they appear in fact only as an old established superfluity.

A more essential difference however exists between the two Universities in their manner of electing their Vice-chancellor. The Statutes of Cambridge of 1570 (c. xxxiv.) appoint that the Heads of the Colleges shall nominate two candidates, one of whom is to be selected by the Senate. The Doctors no longer took part in the nomination; in which point alone the mode of election differed from that which had been abolished in 1549, restored in 1555, and reabolished in 1559. The right of the Doctors was re-established by a decree of the Senate of 1589; but it fell afterwards into disuse of itself. Doctors who were not Heads of Houses, probably saw that the Heads would in any case always have the majority, that an Opposition party consequently would have a very useless, if

not ridiculous part to play, involving much that was unpleasant and awkward. They therefore withdrew from these functions of their own accord.

In the Statutes there is nothing, to enforce that the office shall be held by Heads of Houses only: but the Heads naturally never looked for their candidates beyond their own body.*

§ 255. (c) *Election of the Proctors.*

Passing over the Steward, whose office became more and more a mere post of honor,† we come next to the Proctors who, after the Vice-chancellor, have continued to be the most important Academic Magistrates. Since on them principally, as we have seen, the exercise of all discipline depended, the College Oligarchy naturally desired a control over their election: and it was the more justifiable to grasp at it, since the Colleges to a certain extent had gradually taken the place of the Nations. After the dissolution of the latter, no Corporations

* This is a very heavy crime in the eyes of the liberal opposition: and in 1713, and afterwards in 1772, very violent disputes arose upon the subject, which, however, effected no change in the established practice:—a practice not contrary to the Statutes, and at all events adapted to the circumstances.

† The election of the Steward takes place in the form of a "grace," and for that reason it must be approved of by the *Caput*: but it is otherwise perfectly free. The Statutes of 1570 make no mention of the Steward, although he is expressly introduced in the privilege of 1563. *This is a new proof, how little the absence of any thing in the Statutes ought to be admitted as a demonstration of the earlier non-existence of any resolution or right.*

except the Colleges and Halls, formed an integrant part of the academic organization, so as to demand to be represented by the Proctors. Much indeed might be said also for the right of the Senate; (although it was by no means an *original* one;) since the Colleges were already in some sense represented by their Heads. However, the Colleges had the actual preponderance, and a unity of views and feelings was urgently needed between the supreme governing council and the highest executive authorities. Accordingly, in 1514, it was enacted [in Cambridge] that every year two Colleges, or Halls, in a certain Cycle, should choose the Proctors annually: which, after suffering the vicissitudes of 1549, 1555, and 1559, was finally established in 1570 (c. xxxv.) Only, at the last era, the Halls were omitted, and the new Colleges founded in the interim were added in their stead. As the Head of each College was vested with a Veto on the choice, this matter also was indirectly under the control of the Heads.* The *functions* of the Proctor remained unchanged.

§ 256. (D) *The* CAPUT.

The next academic authority which claims our notice in the Cambridge Statutes of 1570, is the CAPUT; to which I have several times alluded already. As early as the Statutes of 1555 it

See Note (78) at the end.

appears as an old institution: but we have no details either as to the time of its origin, or as to the earlier composition and the mode of election: yet it is not probable that the Statutes of 1570 (c. xli.) introduced any essential innovations concerning it. At all events from that time forward, in addition to the Vice-chancellor, a Doctor of each of the three higher Faculties and two Masters of Arts, were brought into the Caput. To elect these, the Vice-chancellor and two Proctors nominated five candidates each; and the Heads of the Colleges, the Doctors, and the Scrutineers selected five out of the fifteen names upon this list. It is clear that this also lodged the decisive power in the hands of the College Oligarchy: since, in practice, the Vice-chancellor is himself one of the Heads, and the Proctors, as well as the electors, are substantially under their influence.*

With regard to the original functions of the Caput, the extant accounts show that they at all events, included that kind of *tribunitial*† Veto which was ascribed to it exclusively by the new Statutes.

According to this, no member of the Senate can bring forward in the Senate any new measure for

* Generally speaking the candidates nominated by the Vice-chancellor are elected: and on that very account it would be scarcely possible for him to nominate obnoxious candidates.

† [It must be particularly observed that the Veto in question goes so far as to stop *discussion* on the threshold, as well as *execution*. Moreover *the want of unanimity* in the Caput, it seems, prevents *discussion* in the Senate.]

consideration, unless it has previously received the unanimous consent of the Caput. Thus the whole academic legislation became almost entirely dependent upon the *Caput*, and consequently upon the Heads of the Colleges.

This power must certainly have belonged to the *Caput* at a much earlier period; since it is recognized by the Statutes of Cardinal Pole, which regard the Caput as a well known ancient institution, only established anew. These Statutes, as we have said, sought in fact only to restore: and, besides, if Cardinal Pole had aimed at an arbitrary new creation, he might as it were with a stroke of the pen have given the Veto to the Heads, as was done by Leicester at Oxford. Whether *unanimity* was then first demanded of the Caput, I cannot say. The Statutes of Cardinal Pole gave no details as to the mode of electing this Board: nor is its original position with regard to the assembly of the "Provosts and Doctors" at all clear. The mode in which the election of the *Caput* was regulated by the Statutes of 1570, as also some expressions* of Cardinal Pole's Statutes, might lead to the belief that it had some similarity to the Black Congregation at Oxford. Indeed we have already seen that the assembly of the

* It is there said: "Let no grace be granted, &c. . . then let those and none other be in the *Caput* who have been deputed for the *Caput* at the beginning of the year, and let each of them separately have a negative vote."

"Provosts and Doctors" exercised a similar right to examine and reject new measures before they could be taken into consideration by the Senate. From an expression used by the Heads in the disputes of 1572, it appears that the *Caput* must have been nominated for a time by the Chancellor and Proctors: and the same is stated of the "delegates of appeal" and the Lecturers.* I regard all this as another proof how these matters vacillated before the year 1570; and how little ground the Masters of Arts who were in opposition, had to complain that *their* rights were curtailed, merely because others would not revert to a very old state of things, which *they* chose to set up as the standard of all right.

§ 257. (E) *General University Patronage.*

Early in the sixteenth century, all academic offices had already become more numerous and important, in consequence of the augmented wealth, buildings, and institutions of the University. As they afterwards continued to increase, it was to be expected that the College Oligarchy would assert and make good their right to the patronage. Indeed, when the Heads had established their right

* [The following Note has been placed by me a little earlier than in the German, where it will be found at the bottom of p. 313, vol. ii.] The *Lecturers* mentioned in c. xl. of these Statutes, are the "Barnaby Lecturers," which have long been a sinecure, worth about £6 sterling per annum.

to appoint the Vice-chancellor, and (indirectly) the Proctors, they would naturally apply the same principle to the subordinate offices. Upon this point also, the Statutes of 1570 for the most part do but confirm earlier practices. Some few points were decided afterwards, either by the right of interpretation which devolved upon the Heads, or by supplementary Statutes. Thus the Public Orator, the Registrar, the Keeper of the Records, the Librarian, the Beadles, &c., were all appointed by the same method: two candidates for each office were nominated by the Heads, and out of each pair an individual was chosen by the majority of votes in the Senate. The choice of the Scrutineers and Taxors fell to the Colleges according to a Cycle analogous to that of the Proctors, and consequently, as all besides, became indirectly subject to the Heads. An annual decree was at first needed, for investing the Scrutineers, together with the Vice-chancellor and Proctors, as Guardians of the University Chest: but it has now become a mere formality. The Auditors of the accounts were appointed by similar nomination and election. It was only with regard to the two Representatives in Parliament that the right of election without nomination was kept all along for the Senate; the reasons of which are obvious.

According to Walsh and others, the Heads violently and treacherously usurped the right of nominating the Orator, Registrar, Librarian,

and Esquire Beadles. The Statutes (c. xl.) mention only "the Lecturers, the Beadles, Winesellers, Guagers, and any other attendants or officers of the University soever." There are then two questions: (1) Whether the Orator, Registrar, and Librarian, as they are never mentioned *at all* in the Statutes, are to be excluded from "any other Officers soever," merely because they are in rank higher than the Lecturers, with whom this list begins: (2) Whether the Esquire Beadles are to be looked upon as the Beadles and Criers (*viatores* and *præcones*, who by the provisions of c. xxxviii. were to be elected *without* nomination by the Heads) or were to be reckoned among the Beadles here mentioned. The crime of the Heads consists in having interpreted this indistinct Statute favorably to their own power. All the other points condemned by Walsh, were decided by Decrees of the Senate ("graces"): and if it be objected that these were passed by the influence of the Oligarchy, the same argument holds against all decisions of all corporate bodies, where party influence can find play.

§ 258. (F) *University Professorships and other Scientific Endowments.*

A subject requiring a more especial consideration at our hands, is that of the endowed Professorships, founded by Henry VIII. and enriched by later

benefactors. The importance of these institutions lies rather in their future capabilities than in their past history. As to the intellectual benefits as yet gained from them, we have already remarked, that, except perhaps at the very commencement and in the most recent times, they were always very slight: nearly every scientific impulse has come not from them, but from the Colleges. In scholastic formality, the Regius Professors represent the higher Faculties, because they examine candidates for degrees in those faculties: but it is *merely* a formality. Hence, to this day, the Professors have never obtained independent importance, nor any University rank at all, farther than that due to their simple degree of Master or Doctor; unless one of them happens to be Head of a House. The position which, in the constitution of *other* Universities (where the College system does not exist or where it occupies a completely subordinate position) is given to the ordinary Professors, is occupied at the English Universities solely by the Heads of Houses; and from the very nature of the case it could not be otherwise. Until the branches of science which belong to the higher Faculties have obtained their due and fitting importance within the Universities, it will be impossible for the Professors to take a part in the academic administration, co-ordinate with the Heads of the Colleges. As matters have stood, at least, until within a few years, the Professorships have been respectable sinecures, the holders

of which were free, if they chose, to deliver a few lectures to scanty audiences; — free, in short, to be as conscientious as was allowed by the prevailing spirit of the day, which had strong antipathies to all scrupulosity. The principal importance of the Professorships therefore lay, (and still lies, for the greater part,) in the increase of the pecuniary, social, and political influence that they bestow on the holders and on the patrons. Their duties and salaries vary either by Founders' Wills, or by especial Statute to an extent so extraordinary, that in these respects scarcely any two Professorships are alike.

In practice, these sources of influence are mainly in the hands of the College* Oligarchy. The same may be said of the institutions attached to the Universities for religious instruction, which were from time to time continually extended or enriched.

I will mention for instance the Hulsean Foundation of 1777 of the "Christian Advocate and Christian Preacher" at Cambridge. The duties of this post, (the salary of which is considerable,)† are, to compose a treatise, and to preach some sermons every year, in defence of the dogmas of the Anglican Church against atheistical, deistical, or any other heretical attacks.

* For details concerning the Professorships and other endowments see Note (79). That in spite of the strange conceits of Founders, in the modes of appointing to the Professorships, scarcely any one unacceptable to the Heads can ever be appointed, ought to be clear without further proof. For those who want mathematical or legal demonstration, I can do nothing.

† The Hulsean Preacher receives £300 a year.

Nor must we overlook the endowments and stipends of every kind, in which the Universities are so rich, and the Colleges still richer: particularly "livings" in the College-gift: nor the prizes established (especially since the beginning of the eighteenth century,) for various literary compositions; which (putting out of sight their intellectual agency) were all means of promoting the same oligarchal influence. The judges in the award of these prizes were, it is true, different according to the different foundations; but they all belonged, first or last, to the Oligarchy: and although room was seldom given to open partiality or injustice, yet they afford motives in plenty, working secretly, to mould the candidates into harmony with the prevailing views, feelings, and interests. This portion of the patronage of the College Oligarchy is very intimately connected (partly in itself, partly by especial enactments) with the superintendence of the exercises prescribed for the University-honors; which also lie, either directly or indirectly, (as we have still to see,) in the same hands.

§ 259. *Reform of* OXFORD *Statutes.*

On turning our attention to Oxford, we shall find that the legislative movements of the sixteenth and seventeenth centuries bore substantially the same impress as those in Cambridge. The Oxford administration wore a somewhat more popular air

than that of Cambridge, especially in matters of election; as the old principle of free election by the Convocation itself was preserved in Oxford, while in Cambridge nomination [by the Caput or Heads] prevails. This difference may be in some degree explained by the circumstances under which the new organization of the University of Oxford took place. We have already seen that the process of *codification* (to employ a recent term) was more lingering in Oxford than in Cambridge: and this fact alone occasioned a considerable difference between the two. It commenced at both of them with the Edwardian Visitation, and with the Statutes then introduced: which, after the interregnum of Cardinal Pole's Statutes, were restored in 1559. As the tendency of these Statutes was in so many respects decidedly *destructive*, at Oxford and at Cambridge alike a partial restoration was brought about (in fact or form) of earlier regulations which had been generated by necessity, although never formally established. But what in Cambridge was done by a consistent, comprehensive and substantially final Act, was done at Oxford as it were piecemeal, and neither thoroughly nor consistently. Indeed, some of the measures by which it was brought about, were not altogether unimpeachable in form, and were legalized only by general acquiescence and use.

§ 260. (A) *Powers of the Boards of Heads, at Oxford.*

The principal point of course was, the position of the Heads of Houses. This was settled in 1569 by an ordinance of the Earl of Leicester as Chancellor, at a time when, (as it appears,) to meet existing exigencies, the Black Congregation had already been restored.* We cannot pretend to judge as to the legality of Leicester's proceeding. It was however accepted by the University, perhaps only tacitly, yet (as far as appears) as much from approbation, as from despair of opposition.† Be that as it may: the intention, and the results, of this measure was, to give over the whole authority hitherto exercised by the Black Congregation, to the Heads of Houses alone; excluding the Doctors *as such*. Whether the powers of the Board itself were extended or limited, is not very clear: it is at any rate certain, that the Heads, along with the Chancellor and the

* The Statutes of 1549, may have been done away, in part tacitly, in part expressly. There was no want of commissions for the revision of the Statutes, with full powers to that effect (for instance in 1576); but nothing is intimated as to the results. I conclude from Wood, that the Black Congregation, the place of which was taken by the Weekly Meeting, was in active exercise in 1569. Whether it had been formally re-established, is more than I can say: nor can I tell whether the expression "Weekly Meeting," and the regulation of holding conferences every Monday, already existed. Both these points are distinctly mentioned in the Statutes of 1633. Perhaps it was not the intention of the Statutes of 1549, to do away with this body. It is very evident people did not exactly know what they wanted.

† See Note (80) at the end.

Proctors, now obtained the whole current administration, and the sole power of originating measures in Convocation.*

§ 261. (B) *Election of the Vice-chancellor at Oxford.*

Thus far this body united the attributes of the Cambridge Board of Heads and *Caput*. Upon one remarkable point, however, its authority was far more restricted than that of the Cambridge Oligarchy. Not only was the principle of nomination by the Heads of the Colleges (which so much modified the original right of election in the Masters of Arts) not introduced at the time, but all usurpations of this nature were repealed. The only exception was in the case of the Vice-chancellor; who, in Oxford as well as in Cambridge (as we have already seen) had undertaken, ever since the middle of the previous century, the ordinary and local business of the Chancellor. I have not been able to ascertain after what method the Vice-chancellor was chosen,

* Independently of the note just cited from Wood, we find in the Statutes of 1636, (Tit. 13,) the following: "The Vice-chancellor together with the Proctors and the several Heads of the Colleges and Halls, then present at the University, shall meet together at an appointed place, and there deliberate upon measures for the defence of the privileges and liberties of the University, (as occasion may require,) and discuss matters concerning the observance of the Statutes and customs of the University, and inquire and take counsel, &c., in order that the matter may come more conveniently before the House of Congregation and afterwards before the House of Convocation, for final decision."

near the period of transition. During the suspension of the academic rights and Statutes under Henry VIII., the Chancellor usually nominated his deputy, and the University, either expressly or tacitly,* confirmed the nomination. The free election of the Vice-chancellor by the Masters of Arts, had been either restored or introduced in the reign of Edward VI.; but, under the circumstances of the day, entailed with it various evils, which seem to have been Leicester's reason† or pretext for assuming the nomination himself. This mode of election however continued to be the rule at Oxford; and was finally sanctioned by the Statutes of 1634. It was scarcely needed specially to restrict the office to the Heads of Houses. Custom afterwards limited the appointment to a period of years, providing also for its annual renewal.‡ At Oxford, four Pro-Vice-chancellors were also appointed, who bear the same relation to the Vice-chancellor as the early Commissaries did to the Chancellor. Perhaps the increase of business consequent on the increased wealth and numbers of the University may have rendered this regulation necessary.

* [Germ. Ausdrücklich oder stillschweigend bestätigte.— It is not clear what *tacitly confirmed* means: qu. *submitted* to the nomination?]

† "Alledging as his ground, the tumult which had happened at the election in the year preceding."—(Wood ii. 428.)

‡ See Note (81) at the end.

§ 262. (c) *Changes (during this Period) in the mode of electing the Proctors.*

The free election of the Proctors by the vote of Convocation, had undergone several changes, even before the tumults of the sixteenth century: and in certain cases, a very complicated *triple* election, more agreeable to the oligarchal principle, appears to have been adopted. Although the Statutes of 1549, perhaps unwittingly and unwillingly, established the earlier mode of election; yet the process to which we allude, (called *per instantes*,) seems to have been the usual one at the commencement of Leicester's government: but through this Chancellor's influence, the unrestricted election was again introduced.* The other academic officers likewise were at that time once more elected by the same method, if indeed this was not in pursuance of the Statutes of 1549. Another measure also was then carried,

* The mode of election *per instantes* is thus described by Wood, (ii. 428.) "Two scrutineers were appointed, who were called *Proctors by birth; (Procuratores nati)* [the oldest Proctors, or Masters, resident?] and these took votes by scrutiny [*i. e.* by secret ballot] for creating two Regent Masters who were called *Instantes* [Officers for the Moment?] These last nominated six Masters, whose business it was, in conjunction with the Commissary, to elect Proctors for the next year, the aforementioned scrutineers finally pronouncing them elected." A similar mode of proceeding under the same name occurs once more, (in 1448,) in the election of a Chancellor. I cannot find, however, how this system began, and under what circumstances. Wood does not expressly state, that Leicester originated the electing [of the Proctors] in Convocation; but it seems to be implied in what is elsewhere dropped respecting the elections.

which under the circumstances of that period had a thoroughly democratic tendency: viz. the use of secret ballot instead of the open voting, which, in the earlier times at least, had been customary.

That the election of the academic officers then became or continued to be free, may be inferred from the same freedom being established even in the Statutes of 1636, the only exceptions being introduced at about the same period as the Statutes. Whether before Leicester's Chancellorship the voting was public, I am not able to say:—Certainly mention is made often enough* of the secret ballot [*scrutinium.*] From the Cambridge transactions of 1572† it appears that open voting was considered as an oligarchal innovation. I do not assert that the ballot is essentially democratic: for apparently it can be made to serve all parties and all ends.

The strange contradictions observable in these measures — oligarchal in one instance and democratic in others — must be explained by Leicester's peculiar position in the University as well as in the State. On the one hand he ruled by an oligarchy of his own creatures, whom he thrust into the posts of Heads of Houses: for which reason he increased their powers by instituting the Weekly Meeting, which indeed was well suited to those times. On the other hand, as a leader of the Puritans and

* For instance in the election of Proctors *per instantes.*

† [v. Lamb.]

antagonistic to the old Aristocracy, he fostered the popular element in the University. The secrecy of the ballot facilitated his intrigues, giving him a control over even the Heads, had they aimed at emancipation. This also may explain why democratic agencies which had been stifled in Cambridge were revived in Oxford by the most arbitrary, the most unprincipled and the most self-interested Chancellor ever mentioned in the History of the Universities.

We before commented on the lamentable results of this Chancellorship. The base self-interest which was then triumphant was succeeded by the less ignoble principle of party spirit: and the chief posts in the University once more fell to those who embraced the principles dominant in Church and State.

The opposition, to which Leicester had opened a field in the Convocation, by the ballot still retained its independent action: yet after his death it it was too weak to do any thing but obstruct. Its chief struggles were in the election to University offices,* which became increasingly important or valuable: but the election of the two Proctors was still more eagerly disputed.

Indeed we saw that from the very beginning of the sixteenth century the annual riots on this

* This was the case to a much greater extent in Oxford than in Cambridge, as at the former the Masters of the Schools and of the Streets, and consequently all the scholastic as well as other police officers, were nominated by the Proctors.

matter were a grievous annoyance. The oligarchal interest however met intrigue by intrigue:* and keeping its object in view all the year round, in the long run managed to uphold its power. Occasional attempts were made to remedy the evil by different palliatives: but it was reserved for the great Reform under Laud's influence and direction, to introduce fixed regulations conformable to the wishes of the majority.

§ 263. (D) *Cycle of the Proctors.*

The system of the Proctors' Cycle was first introduced by a Royal Ordinance to obviate urgent disorder; and was afterwards established in Laud's Statutes of 1636. This was, properly speaking, the only great innovation which these Statutes contained, as far as regards the *Constitution* of the University.

It has been no where even asserted that any rights, privileges, or Statutes of the University were violated by passing the Statutes of 1636: and to prove the contrary would be needless. But even had the Cycle of Proctors been introduced only by *Royal Letter*, this would not have overstepped the Royal prerogative or have been contrary to custom and precedent. That some measures or other, likely to remedy disorders which were

In Note 78 I have cited Wood's account of the Election-clubs at Oxford.

become insupportable, were felt essential by the academic majority; is evident not only from the vote upon the new Statutes, but even still more from what follows. When in 1622, during the elections for Proctors, the *non-resident* Masters came up to the contest, and thereby gave rise to great disorder; a decree was laid before the Convocation, and accepted by a majority, which disfranchised, as regards such elections, all Masters of Arts who were not *bonâ fide* resident.* This decree never appears, it is true, to have been fully acted upon: yet it shows that the majority of the *resident* Masters shared in the spirit and feelings of the College Oligarchy,† and that without the non-residents, the resident minority was unable to carry any important point, (such as the election of the Proctors). It is plain how much may be said on the ground of equity against calling in non-residents at all.

In all other points, the Laudian Statutes only confirmed regulations and rights, which had either a partial sanction by custom, or had at some previous time been statutory. It is indeed no slight proof of the praise-worthy feeling, and real popularity of the College Oligarchy and of the Chancellor, that, except in the case of the Proctors, the new ordinances did not curtail the right of the Convocation to elect.

[v. Wood, i. 384.]

† This is indeed sufficiently proved from other sources.

§ 264. (E) *University Delegates, &c.*

I ought here to remark that the system of appointing University *delegates* has been developed to a much greater extent, and much more firmly established in Oxford than in Cambridge — perhaps on account of the extent of the public business. The Oxford University Calendar has no less than ten of these standing committees, each composed of at least six members: — Delegates of Accounts, — of the Press, — of Appeals in Convocation, — of Estates; Commissioners of the Market, — of Sewers; Official Delegates of Privileges; Perpetual Delegates of Privileges; Annual Delegates of Privileges; Curators of the Bodleian Library." The "Delegates of Accounts" and "of Estates" correspond to the old "Guardians" and "Auditors of the University Chest;" names which are still preserved at Cambridge. The Superintendents of the different Institutions need not be mentioned more particularly. We find in later times a University Counsel and a University Coroner also, as permanent officers. How long they have existed, I cannot say.

Eligibility to the other higher offices continued in theory to depend upon the Degree alone; though a custom, needing no defence, has practically restricted them to *residents*. The only and unavoidable exceptions, are in the cases where the Founder has specially decreed otherwise. Among

these were several of the Professorships, and many of those stipendiary pensions which continued to increase in number and importance.

General Results of the above, in the present Constitution.

Upon retracing the principal features of the *newer* Constitution of the English Universities, and bringing more particularly into relief the analogies as well as the differences which appear between Oxford and Cambridge; we shall arrive at the following conclusions.

§ 265. *Decisive Power of the Board of Heads.*

At both the Universities, the executive power is lodged with the Board of the Heads of Houses, under the Presidency of the Vice-chancellor, and after him the two Proctors. This assembly, it is true, acts chiefly by its Presidents, the Vice-chancellor and Proctors: but of these, the first proceeds out of their body, the two last out of those under their immediate influence.

The Chancellor and the Steward, who are *not* nominated by the Board of Heads, have been, ever since the Revolution, merely political Patrons of the Universities, chosen out of the Nobility: and may therefore be looked upon as their representatives in the upper House of Parliament, just as their formal

deputies are in the lower. This by no means excludes advantages to be derived from their influence at Court: but in English political life, the Parliament and Ministry now come more into play than the Crown. As to the nomination of the Oxford Vice-chancellor by the Chancellor, and not by the University Board; no one for a moment imagines that any one else can be nominated, than the person desired by the University, and primarily by the Heads.

The exercise of the judicial authority by the Vice-chancellor or his representatives, is of course defined and limited by law; but the *interpretation* of the law again proceeds indirectly from the Oligarchy. The spirit of the judge as much as the letter of the law, must needs influence the results, especially where, as in the University, there is such an approach to paternal discretionary power: beside which, the very *enactment* of the law (we must bear in mind) is previously determined by the permanent policy of the Board of Heads.

§ 266. *Power of the General Assemblies.*

It is not uncommon to speak of the Convocation as "the legislative power." It might almost as well be called "the administrative power;" because in each department the final decision rests with it on all matters *laid before it.* But the Heads do not very often invite it to the exercise of these

functions; and least of all to legislation. Its usual business is confined to the periodical elections, and auditing of accounts, in so far as this latter office is not given into the hands of delegates; and it is very easy to get through this in a very few sittings at stated periods. New laws ought not to be habitually needed in a well regulated community: they belong only to extraordinary occasions: but on these occasions, the undeniable right of the Academic Democracy is controlled and eventually palsied by the need of co-operation on the part of the Oligarchy. Indeed no deliberation of the Masters* can take place, except under the presidency of the Vice-chancellor and Proctors: only those matters can be debated which the Vice-chancellor produces, and in the order which he may choose; while both he singly, and the two Proctors when united, have a Veto upon all transactions.

In *ordinary* business, and in matters regulated by Statute, these formalities do not much interfere with the powers of Convocation: for the Chancellor is *bound* to announce and to hold the regular deliberations fixed for such purposes, and to bring the business forward for discussion: nor could the Veto† be well exercised in these common matters. But in all *extraordinary* cases, especially in real legislation, it rests with the Oligarchy to decide

* [Even then, the debate must be carried on in Latin; a language which is not at all cultivated in England for such purposes.]

† In Cambridge it is exercised by the *Caput*.

whether the Democracy shall act at all. Members of the University of any degree or standing have but one way by which they can initiate measures. They must get their proposal first laid before the Board of Heads, which determines whether it shall come at all before the Masters or not; and in what form. It is evidently unimportant, whether this power be directly exercised by the Board, or (as is the case with legislative Bills in Cambridge,) by the Caput, which is a kind of committee.

Nor must we forget that the executive body has under certain circumstances, also a very extensive independent legislative authority, in the *interpretation* of the Statutes.* In fact all that at last remains to the Democracy is a negative voice: since the majority of the Masters—indeed at Cambridge any one Master† singly—can cast out a measure emanating from the assembly of the Heads. This is true at Cambridge, even with regard to the elections, in consequence of the universal prevalence of the nomination principle. In Oxford however the right of free election could not be so used by the Convocation as to thwart the rights and rule, or even the pretensions, of the oligarchal power, without inducing a palsy of the corporate life: nor does it practically lessen that power.

* No change can be made in the *Royal* Statutes without the consent of the Crown: but in practice this comes but little into consideration.

† [Germ. Sogar jeder Einzelne. But this is either an error on the part of the Author, or is at least an obselete legal right, unknown to modern Cantabrigians.]

§ 267. *Practical Working of the University-Constitution.*

If the *possibility* of a collision be a defect in the Academic Constitution, it is a defect inherent in all such political systems, as demand a joint action of independent organs; and eminently, in the British Constitution. In practice however, History affords perhaps no example of so undisturbed a harmony* between the different powers of a State, as in the Universities of Oxford and Cambridge ever since the last great settlement of their respective institutions. It is true that the *previous* proceedings often exhibit an active opposition: but the *decisions* prove the majority in the democratic organ itself to be permanently harmonious with the oligarchal principle and spirit. The fact is notorious, and has been matter of violent complaint. As the Oligarchy which is concentrated in the British House of Peers was (before the Reform Act) able to determine the votes of the House of Commons; so in the University, the Oligarchy of the Heads is practically, though not formally,

* The following passage is from the Introduction to the Oxford Statutes of 1636. "In former days (*olim*) the University was in vigor, though wavering amid doubtful Statutes: studies were fostered, discipline was in high condition, and (by the much to be desired good fortune of the times) native ingenuousness amended the defects of written enactments; and whatever was wanting in law, was supplied by morals." I do not know to what happy epoch these words can justly be applied: but I quote them as showing that no one *then* thought perfect codes attainable.

represented in Convocation by the majority of that assembly. Most of the resident Masters, especially the Seniors, — by reason of their position, spiritual and material; by their hopes and fears; most of all, by feeling and education, — sympathize with the ruling powers: in short, are fully penetrated and governed by the same spirit, as is concentrated in the Board of the Heads. Why else* should fresh and fresh Masters, after taking their degree, continue to reside at the University? By this influx the Oligarchy is continually strengthened with fresh vigor; the old traditional feeling however being substantially preserved. When heterogeneous sentiment arises, it can seldom obtain admission in the posts year by year vacated. Without the need of a direct Veto from the Head, the corporation-spirit in each College rejects and excludes whatever is hostile to itself.

The oligarchal majority among the Masters becomes yet more powerful by the division of the Assembly into Regents and Non-regents. The real difference between these two classes, as we have seen, no longer arises from the old scholastic distinction.† In practice the Regents consist mainly of the older residents, generally clergymen deriving

* [Such residence is very rare, in the case of those who are neither on the foundation of Colleges nor holders of University office; and it is almost always connected with inducements of a pecuniary or professional kind.]

† [From the scholastic use of the word Regent, the French language has the verb Régenter, *to school.*] See Note (82) at the end, on the Regents and Non-regents.

emolument from the Colleges, with a seat and vote among the Non-regents also: and even in the latter chamber they generally command a majority. The degree itself (with which the seat and vote are connected) depends upon the *unanimous* consent of the Regents, who have thus the *power* of excluding palpably dangerous individuals.* It is true, that also *non*-resident Masters (if they keep their names upon the College books) have a right to a seat and vote as Regents or Non-regents; yet very few make use of this right, — those only, whose general plan of life is dependent upon the University: and they, for this very reason, are quite unlikely to clash with the academic Oligarchy. There is still a bare possibility that in special cases the resident Regents may be outvoted by non-residents: and particularly in the elections of the parliamentary representatives, conflicts have arisen. But the majority from without, far oftener, comes to swell the majority from within. Imbued, during their University course, with the opinions cherished by the academic Oligarchy, they continue, after their removal, to keep their names on the College books, chiefly because they continue to sympathize with their old friends and the old system. In time of trial therefore they come to help. Such is the living operation of the machine.

* [Such a thing is practically unheard of; and few candidates for degrees are ever aware that such a power of exclusion exists. The ruling authority is in fact so firmly seated, that in no case does it seem possible for an individual to be *dangerous* to them.]

§ 268. *Language spoken in the University Assemblies.*

But we must not forget to advert to one ancient rule,— the use of the Latin tongue, as enjoined by Statute, in all academic transactions,— whereby the great majority are excluded from taking part in any discussion; and are restricted to giving-in their mere *placet* or *nonplacet*. The chaster their classical taste, the less willing probably would they be to commit themselves to Latin harangues on subjects so unclassical: and the boldest and ablest speaker in opposition would find his eloquence damped by a doubt whether he was understood The Oligarchy itself of course could not wish to open the floodgates of discussion, instead of maintaining its preponderance by sure and silent majorities: and, for the same reason, the Vice-chancellor is unlikely to exercise his right of sanctioning the vernacular tongue. Thus these Academic Assemblies have almost entirely lost their *deliberative* character, and confine themselves to mere *voting* upon the questions laid before them.

It is only thus that I can understand Walsh's assertion, that the Cambridge Senate has lost the right of deliberation.* But as he lays so very much

* [Another explanation of Mr. Walsh's words is readily suggested by the Author's own statement above,— that the Assembly has been deprived of the power of *originating* debate, and that the Heads very rarely choose to invite them to deliberate at all.]

stress upon the earliest Statutes, he ought to recollect that the use of the Latin tongue was prescribed by some of the very earliest. The Statutes of 1570 contain nothing upon the subject; but neither do they make express mention of the Senate at all: a fact which, according to this mode of judging, would prove that it did not yet exist. In the Oxford Statutes* we find the following. "It is enacted, that whoever shall speak in the Congregation or Convocation House, shall make use of the Latin tongue; unless (the business so requiring) the Chancellor give leave to use the vernacular: that all shall keep silence, while others speak, and no one change his place; that no one shall forestal a senior about to speak, nor recur often to the same matter, but, after giving his opinion, shall leave it for others to consider; that every one shall altogether abstain from witticisms, and yet more from railing or indecent language or action, under pain," &c. The same principles must of course have prevailed in Cambridge upon all essential points: and this view of the case has been lately confirmed to me by an intelligent and experienced friend. Debates, properly speaking, are very rare, although they do occur: on the contrary, previous free conversations generally take place; which are sufficient for mutual understanding.

* Tit. xi. § 3.

§ 269. *University Etiquette and Rank.*

The subject which has hitherto occupied us in this chapter,— the constitution and organization of the Universities, and its *internal* practical working, — will not be complete, until we have adverted to the peculiar recognition of birth and rank, which has penetrated into the arrangements of the English Universities.

Beside the distinction of Graduate and Undergraduate, the later Statutes both of the Colleges and of the University recognize three classes among the academicians. Before such distinctions were legalised, the attentions paid to rank at the taking of degrees and on other occasions were still greater than now: so that measures were passed expressly to restrain it. Yet this did not prevent a Neville (in 1452) from gaining his Master's degree when scarcely twenty years old, and, in spite of Statutes to the contrary, *being raised to the dignity of Chancellor, the following year.* The explanation is simple: the University desired the protection and favor of a powerful House.

The three degrees of rank to which I refer, are: that of the higher Nobility, that of the inferior Nobility and that of the Commons. These three are distinguished, both in College life and in the academic solemnities, by certain privileges and badges of honor.— But beside this, we must advert to another classification internal to the Colleges; all the

members of which are divided into those "on the foundation" and those "not on the foundation." The former class comprises, in the first place the Head and Fellows, who are the governing members of the Society: below them, the Scholars, Exhibitioners, Bible Clerks, or Choristers, &c., the lowest grade of whom forms the transitionary step to the real servants of the College. The "members not on the foundation" are the boarders, of whom the actual mass of University students consists: and it is among these, more especially, that the above-mentioned aristocratic distinctions are observed. Yet the aristocratical feeling is again broken through, by the rank attached to the academic degree, which elevates the members of the two inferior classes towards a level with the Nobility.

The order of rank observed is the following: 1st, the Heads of the Colleges: 2nd, the Fellows: 3rdly, Noblemen* and Graduates: 4thly, Gentlemen-Commoners (in Cambridge called Fellow-Commoners): 5thly, Commoners (in Cambridge called Pensioners); 6th, the Stipendiary members ("Scholars, Exhibitioners, Postmasters, Demies,† Sizars, Servitors, Taberdars,"—according to the designations in different Colleges). Immediately after the third class, are placed such stipendiary members as have a statutory claim to vacant Fellowships.

I do not need to enumerate here the details of

* [That is, *sons* of Peers.] † [Pronounced, *Demize*.]

honorary privileges. They are of importance only in the noble classes, who wear [on state occasions] purple and embroidered robes, have access to the Fellows' table, and Common Room. In the University-arrangements they are exempted* from the public exercises for the Degree, &c.: by which means they attain a Degree, called (forsooth!) Honorary: at the same time the fees they have to pay for matriculation and on all other occasions are much higher.

The Sizars were formerly obliged to wait at table: and in some Colleges they have still to perform a sort of symbolical duty of this kind. The "members on the books" are, properly speaking, *all* those whose names are entered or remain upon the College-books, whatever their rank and degree may be. This expression, however, is generally applied to those who are *only* on the books; that is to say, who do not reside, and who after having finished their studies pay a sort of yearly fine to keep their names on the books.

Second Division of the Chapter.

External Relations of the University.

Our discussion hitherto has confined itself to the organization and operation of the University-machine, regarded *internally*: but it still remains, to

* [Nobleman by no means always avail themselves of this exemption.]

study its *external* relations toward the Great World which surrounded it, and especially toward those mighty powers, — the State and the Church, — among whose noblest organs the Universities are certainly to be classed.

§ 270. *The original basis of the Universities was rather* moral *than* legal.

The mixed character of the Universities, as half ecclesiastical, half secular corporations, was occasioned alike by their origin and by their destination. During the Middle Ages, although their ecclesiastical character prevailed upon the whole, yet their secular character contrived to assert its influence more or less, and upon some occasions even preponderated. This was in itself enough to bring them into a peculiar position towards Church and State.* But, beside this, both between the Universities and the State, and between the Universities and the Church, there was an uncertainty as to the bounds of mutual rights and duties, to an extent that we cannot find in any other corporation. This can be explained only by regarding them as originally based upon purely moral foundations, and independent of every legal fixed tie: — a position which may be vaguely designated from the relations between *father* and

* The term "State" is not intended to have here any other signification than it had in the Middle Ages. The expression "Crown" might be more appropriate, perhaps.

child; or, in one word, for want of a better expression, *patriarchal.* These ill-defined moral relations, it is true, were formerly of wider importance than now, in public as well as private stations: but in no instance was their influence so decided as here.*

This position of things, (which, like every other has its disadvantages,) led to a continual display of parental munificence both from State and Church, to the Universities; and there is no denying that these children often tried the patience of their parents to the utmost extent. — In latter times, to give a formal foundation to what existed in fact, a legal fiction was called upon in aid. It was pretended that the Universities were ROYAL FOUNDATIONS: although (as we have seen) even in the case of Oxford, this was true only in a very vague and limited sense, that is, as to its first germ or root, the uninterrupted material connexion of which with the later University cannot be proved, although there may have been a spiritual and traditional tie between the two. Thus the King received, not only the general rights and duties which belonged to him as fountain-head of every corporate right, but those also which dutiful affection tendered to the Founder or Creator. — At the

* The getting rid of these relations is naturally one of the principal conditions of a modern state. In actual fact there is still much which struggles against it: but there is no doubt that those who are so forward in the March of Intellect, will at last contrive to destroy in the minds of the nation, these last remains of the Middle Ages, and render every thing, in this respect also, pellucid enough.

same time, in so far as these foundations concerned religion, they fell of their own accord under the superintendence of the Church, whose pretensions as Joint Foundress, (in the above-mentioned sense,) were undeniable. Indeed, as within the Universities, during the Middle Ages, the ecclesiastical influence predominated; we must now turn our nearer attention, first, to the Ecclesiastical, afterwards to the Secular side of the subject.

§ 271. *Relation between the Universities and the Church their Protector.*

Before proceeding further, we must make a distinction between the properly judicial rights and duties of the Church, and those vaguer and more extensive attributes which we can express only by the word "Visitorial." These attributes were generally exercised, as a matter of course, by the *Ordinary;* next in higher degree, by the Archbishop of Canterbury. But this did not exclude, in cases of exigency, the direct intervention of the Pope himself, or of his Legate, or of the *Protectors* (*Conservatores*) nominated by him for the defence of the Universities.

A few words may be here allowed concerning the Protectors. They were evidently appointed for the English Universities only upon special occasions, and not regularly as at Paris. One especial instance of the kind stands upon record, when, in

the year 1254, the Bishops of Salisbury and London were nominated "Protectors of the Privileges, &c. of Oxford" against the encroachments of the Bishop of Lincoln.* No similar case is ever mentioned again: whence we must conclude that it happened but seldom.†

We cannot be surprised that the Mitre and the Crown should have been unable to agree, as to the principles or practical considerations, by which the powers of each were to be limited: but in regard to the patronage of the Universities, their contest was, for the most part, rivalry in benefactions. Whatever may be said in other respects as to the barbarousness of the Middle Ages, in this instance we have constant proofs of kindness and moderation, tender love and provident care, for which in more advanced times we should often seek in vain from the highest spiritual and temporal powers. We find facts which go to prove, that, upon some occasions, intellectual cultivation and science were honored and esteemed to an unusual degree; whether wisely and properly, or not, there will of course be difference of opinion. It might only excite a

* [v. Wood — the Bull in Bulæus ii. 310.]

† In 1434, it is true, the Universities are stated to have applied to the Bishop of London for his mediation in the quarrel between the "Artists" and the "Jurists:" and Wood opines, that it was because he had been "appointed Protector by Innocent IV." But the University applied in a similar way and upon the same matter, to the King, to the Duke of Gloucester, and to several other great men, nor is there any reason to suppose that the ordinance of the Bull in Bulæus just referred-to, was revised 200 years afterwards.

smile of pity in many persons, to hear the boast made, that, during seven centuries, the corporate rights of the English Universities were never violated* or diminished either by King or Pope, but on the contrary were protected and extended upon every occasion.

§ 272. *Compromises between Church and State, for the benefit of the Universities.*

Let us now go back however to the relations which existed upon this ground between the Mitre and the Crown. Upon any other subject, had the question arisen whether the Royal privileges needed to be confirmed by the Pope, the most serious and never-ending contests must have followed. But with regard to the Universities, this double guarantee seemed allowable, so far as they themselves were desirous of it: nor did the Kings scruple to intercede with the Popes in behalf of the Universities, as often as they desired to obtain for them new Papal privileges, or the Papal confirmation of old and new, Papal and Royal, privileges.— In so doing they meant no prejudice to the principles and rights, against which something might, under certain circumstances, have been deduced from their conduct.

For instance, Edward II. requested of the Pope†

[Our Author must tacitly except the atrocious outrage by King John, which he details in § 46 of this work.]

† v. Wood, A. D. 1317.

that the English Universities, as the University of Paris, might have the privilege "of lecturing *(legendi)* in every part of the world;" that is to say, as is the case in so many other privileges, he asked him to confirm what already existed. In 1316* also, Royal Letters were sent to Pope John XXII., requesting him to confirm the privileges anciently granted to the University, and to augment them by new ones. The Bull of 1396 contains a full and detailed confirmation of this nature. It may be objected, that these documents refer to critical moments, when the Crown made extraordinary concessions; so that no rule can be deduced from them: but we do not speak here of any *rule;* only of occasional occurrences. That the feelings and dispositions of the moment had their influence, and that such letters were written only when the King was upon very good terms with Rome, no one will question: so likewise, to deduce a rule from conduct pursued during times of collision, would be a very unsound proceeding. Moments of milder feeling, or, if one will, of weakness, may be found even during reigns, the general attitude of which exhibits the greatest mistrust and hostility towards Rome: of which we have sufficient illustration in the business of the "Provisions."

Nothing is easier, but nothing more delusive, than to construct systems out of isolated examples.

* See Dyer.

The State and the Church were indispensable, each to the other: and in practice, mutual concessions, more or less, were made, even in cases where not one inch of ground was in theory given up. Such alternate concession and tenacity is a sad stumbling block to systematic theorists, unless they can manage to shut their eyes to the facts altogether: the recognition of it however gives the only true key to History.

No line of demarcation could have been practically made between the Royal and Papal privileges, in regard to the Universities. How would it be possible, for instance, to make the attempt in the history of the academic jurisdiction? Different in origin and in aspect as were the secular and the ecclesiastical claims,* they yet both flowed together in the broad stream of practical reality at every moment, and in a thousand places. The Pope, just as much as the King, was authorized and bound to protect *all* academic privileges. In the full powers, for instance, given to the Papal Protectors, who were appointed for the English or other Universities, mention is never made of any such limits and distinctions.

Even at times and upon subjects in which the points of opposition between the spiritual and temporal powers were the most sharply defined; yet in the case of the Universities, both parties were

* It was only matters of a purely spiritual nature, which could have been clearly and intelligibly separated.

generally ready to permit laxer observance, sometimes to make express exceptions. The Crown, principally, has the credit of having exercised remarkable moderation, whenever it found that it could not without injury to the Universities, maintain its own right against the Pope. We have already mentioned how often exceptions were made in favor of the Universities with regard to the application of the Papal "Provisions;" and there can be no doubt that a similar proceeding took place upon other points also.*

§ 273. *Gradual Emancipation of the Universities from the Authorities of the English Church.*

The greatest difficulties in these matters arose in truth, (if we may recapitulate what has been already narrated in detail,) from the relations that subsisted between the National Church and the Roman See, and between the Universities and the authorities of the National Church. No party thought of denying that the Papal See was the last and supreme authority concerning the studies, belief, discipline and ecclesiastical jurisdiction of the Universities. The only question was whether, and how far, those nearer steps in the Hierarchy, — the authorities of the National Church, — might

* Dyer mentions a document of Henry VI. (1447) in which a general pardon is granted to the University for all offences which fall under the "*præmunire*," "*multasque alias*."

be passed over, and the Chair of St. Peter reached at once. This question, as far as regarded the *Ordinary*, was at last decided (as we have seen) in favor of the emancipation of the Universities: and the Head of the National Church, (the Primate-Archbishop,) with the Supreme Head of the General Church, and the Crown, one and all promoted this result; for the plain reason, that it was adapted to the exigencies of the case. — In proportion however as the authority of the Bishop was passed by, the Universities were brought into closer contact with the Archbishop, which involved important and delicate questions. In consequence the Universities struggled to emancipate themselves from the Archbishop, as previously from the Bishop: and thus they were brought into direct dependence upon Rome; since there could be no idea of their total emancipation from *every* spiritual authority. We have already alluded to the disadvantages of this position. A Court of Judgment so distant as Rome, was in itself objectionable enough, but beside this, the high price at which justice and favor (seldom to be nicely distinguished) were sold in the Romish market, was proverbial. Nor were the Universities blind to the inconvenience. On the contrary, they sought, sometimes by their own complaints and representations, sometimes by powerful intercession, (even of King and Parliament,) to meet the evil and stop the source of it — too frequent recourse to Rome.

We have very decisive evidence of this in the letters of Edward VI.;* in which the Pope is repeatedly entreated, in the name of the University of Oxford, speedily to decide in its favor against the Archdeacon; or else, on account of the heavy expences, to allow the case to be decided in England. In its quarrel with the Dominicans, the University itself earnestly entreated the Pope not to have the affair brought to Rome, but leave it to be decided by arbitration in England; as the University had not sufficient means to defend its rights at Rome. On the contrary, in the London Convocation of 1411, the University was reproached by the Proctors of the lower ecclesiastics for its fondness of appealing to Rome.†

§ 274. *Reflections on the Principle which actuates Corporations.*

The inconsistency of such conduct disappears, if we judge of it from the ideas and wants of the parties concerned, and not from our own point of view. The GRAND PRINCIPLE actuating the Universities, (trivial as it may seem to high-flying theorists,) was, *to help themselves on each occasion as well as they could.* If the Universities had any reason to suppose that they were more likely to

* (v. Rymer.)

† *Quod quærentes remedium per viam appellationis etiam ad sedem apostolicam incarcerare, &c. præsumant, &c.* (v. Wilkins iii. 337.)

obtain what they wanted in Rome, than from the Archbishop and King; they had recourse to Rome. If they believed Rome to be pre-engaged by their opponents, or otherwise disinclined towards them, or too expensive; they were very glad to get help nearer at hand. What they most desired certainly was, to hold the decision in their own hands and be independent of every higher court; reserving to themselves the right of invoking higher protection, *if circumstances should require it.* This to be sure was demanding things difficult to be combined: but after all it was just what all corporations strive for — (what in truth all the world strives for) — to push their disadvantages to a minimum, their advantages to a maximum. Nor were the means used by the Universities either new or peculiar. Their chief endeavor was to retire as far off as possible from the most direct constraint, and to circumvent or weaken the nearest and most pressing power; upon the principle, that it is easier to escape from the more distant, although it may be greater and more dangerous. Its very greatness tends to distract its attention from distant objects, when so many lay claim to its aid. Preoccupied with more important concerns, it is not likely to interfere of its own accord and without direct and very pressing challenge from the parties concerned. — In the general course of things they ventured to rely upon their own aid and counsel: and in fact were generally left to do so. Thus the policy of

the Universities may be traced to that which characterizes all corporations; — the effort to extend as far as possible their independent and exclusive privileges.* They endeavored to obtain as much as the moment permitted, in the manner which the moment prescribed.

§ 275. *Law-suits of the Universities at Rome.*

But they were not always able to choose whether or not their affairs should be brought before the Roman Courts for decision. For instance, in their contests for two centuries with the Mendicant Orders, the latter were always glad to withdraw them from the cognizance of the English Courts and appeal to Rome: the Universities then had to choose between leaving the affairs at the mercy of their Judges, or constantly to employ agents in Rome themselves. But neither the Mendicant Monks nor the Cardinals were the only persons who took occasion to apply to Rome. The same is mentioned of the townspeople of Oxford. The "Jurists" also in their quarrels with the "Artistic" and Medical Faculties had recourse sometimes to Rome, sometimes to the Archbishop. No opinion is more perverse than to suppose the jurisdiction of Rome to have been hostile to all local interests,

* In the diplomatic language of the Universities, this was termed the "*Jus de non trahi extra,*" right of internal Jurisdiction in the widest sense.

and compulsory. From the King to the peasant, every one upon certain occasions addressed himself to Rome, when unable to obtain at home his real or supposed rights: and every one at such times looked upon Rome as a refuge and protection. Instances enough may notwithstanding be found of abuses committed there also: and many a man learnt to his cost that injustice at home was cheaper than justice at the centre of Christendom. How many complaints were formerly* made of our supreme Courts of Chancery! and yet in the present day, now and then, people see that a last resort of this kind is not so much to be despised.

The Universities had likewise to struggle against many other points in the ecclesiastical and political circumstances of the day; for instance, against those resulting from the Papal Provisions. What was to to be done, when by a Papal Provision, the Oxford Archdeaconry fell into the hands of a Romish Cardinal, who, in his ignorance or carelessness about the rights and needs of the University, stirred up again all the old points of contest against their jurisdiction, in order to render his own Court as profitable as possible? How deal with such an opponent in Rome, or meet him elsewhere? Rome, as an evil, was an evil not to be evaded; it remained, to extract from her all the benefit possible.

The question then arose, whether, with the aid of Rome, they might not put a stop to the more

* [*Formerly!* It is a German who speaks.)

burdensome, because more frequent, appeals, carried to the Archbishop's Court* by parties discontented with the Academic Courts. This not unreasonable wish was easily connected with the less justifiable aim after total emancipation from the Archiepiscopal authority, particularly in regard to the right of Visitation: a right which *might*, no doubt, have become very burdensome, or even intolerable; but which does not appear to have been ever misused.

§ 276. *On the (supposed) intrigues of the Lollards with the Court of Rome.*

It is not impossible that the Lollards, when persecuted by the National Church with not less zeal, and with more effect, than by Rome, may have got up complaints at Rome against the Archbishop: and their influence at that time might explain many otherwise dark points in the proceedings of the Universities, only that it introduces a difficulty still greater.

It is certainly not probable that the Lollards would have applied to the Pope, at all; much less that they would have succeeded with him: yet that they did both, was the general opinion at the time. This opinion is more especially to be seen in the transactions which took place in 1411, relative to the celebrated Bull of Boniface. In the Royal Decree

* [*Curia Christianitatis.*]

we find the following expressions. "After taking counsel, &c. . . . considering the said Bull to have been conceived to the prejudice of our Crown, &c. . . . and *in favor and aid of Lollards and Heretics*, and other malefactors,* &c. . . ." We might cite also the "Grievances" set forth by the Proctors of the Clergy, in 1411. The Lollard party, it is true, was only a minority, but a strong, active, and bold one; and it was a difficult matter to exclude its members from academic offices. Its influence must have been the more considerable, when it was acting in the direction of the general interests of the corporation; as, in extending the corporate independence against the Episcopacy and even against Rome herself. Where opposition to the Episcopacy was so carried on, as to appear only a more direct subjection to the Papal See, it was very possible for it to meet with favor up to a certain point, even from Rome herself: and in this way it might at last have appeared, that Rome had calculated more wisely than Oxford or Cambridge. On the other hand it was, generally speaking, the interest of the Crown to protect the National Church against Rome and against the Universities.

* Rot. Parl. iii. p. 651.

§ 277. *Final compromise between the Universities and the Authorities of the National Church.*

The general result, although not corresponding to the wishes of any party, was such that the real wants and reasonable pretensions of all appear to have been satisfied as far as it was possible. The University gained its point, so far as to be exempted from summons into the Archbishop's Court, (*Curia Christianitatis,*) and the Appeals to it were done away with, which had been previously a great hindrance and interruption to the academic jurisdiction and police. But the right of visitation on the part of the Archbishop continued to be maintained, and was occasionally exercised, under the protection of the Crown, in spite of the frequent obstreperous resistance of the Universities.

Appeal to Rome could not be entirely abolished, without injury to all parties, but it was kept within moderate bounds. In fact, those questions which had principally given rise to appeals, had disappeared or had been decided: such as, the disputes with the Mendicant Orders and the Archdeacon: and at the same time, the statute of "præmunire" deterred all other parties from so dangerous a step as appealing to Rome; since they could not hope to obtain a remission of the penalties so easily as the Universities did.

These satisfactory results, were not brought about by any decided and distinct decisions or agreements;

nor can they be ascribed to any particular privilege: but they arose gradually and from practice, under the influence of equitable considerations, which won their way on all sides, especially among the higher powers.*

§ 278. *Aspect of the Universities toward the Convocation of the National Church.*

The *Archbishop*, moreover, was by no means the only authority of the National Church, who possessed a general right of superintendence over the Universities. In fact, the claims of the Church assembled in Convocation under the Presidency of the Primate, went still further than those of the Archbishop alone; inasmuch as this assembly exercised a legislative and even judicial authority over the spiritual and ecclesiastical part of the academical existence; nor does it appear that the Universities ever called in question the competency of this authority. But perhaps their silent acquiescence was occasioned by the rarity of the cases in which such an exercise of power occurred.

There is however this remarkable feature in the aspect of the Universities toward the Ecclesiastical Parliament: — that, contrary to all analogies of the Middle Ages, neither of them had any representatives at it;† although in such Convocations the affairs of the Universities were from time to

* See Note (83) at the end. † See Note (84) at theend.

time discussed, and their property partially disposed of: for they were taxed together with the clergy.

It was only when the Universities had some particular explanation or information to give, that they were summoned or admitted before the Convocation. In the case of a summons to them, indeed, there would have been danger of trespassing on their privilege, the celebrated *jus de non trahi extra*. To put the idea into another form,—credulous or ironical as it sometimes sounds,—the Convocation knew well how precious was the time of the Universities, and how impossible it was for them to afford the absence of able Teachers and Scholars. But besides, before the middle of the thirteenth century the Universities had little or no ecclesiastical property, and afterwards obtained such property only very gradually. It might perhaps be urged that they were excluded from the Assemblies simply because their character was only *semi*-ecclesiastical: but the anomaly of their being taxed and not represented, would still remain unexplained. Indeed at that time the ecclesiastical element in them preponderated so decidedly when compared with other corporations, that they can hardly have been excluded from Assemblies of the Church for their trifling secular taint. In the former half of the fifteenth century, their representatives were actually summoned to the Great Councils both general and special, which at Pisa, Constance,

and Basel discussed and decided the most important questions of dogma, discipline, and ecclesiastical law. The Universities, however, upon these occasions appeared not as ecclesiastical corporations, but as organs of the *scientific* life of Christendom.

The objects which, properly speaking, fell under the cognizance of the Church, by Pope, Bishop or Synod, comprised every thing that was not purely of a secular nature; consequently divine service, doctrine, discipline, studies, &c. Within these bounds the authority of the Church (wheresoever vested) embraced the smallest as well as the largest matter, although no defined limits had been assigned to the jurisdiction of the various organs of the Hierarchy.* It cannot be denied that all this opened a door to the most pernicious abuses, and upon occasions it might have come into ruinous collision with the independence and interests of the Universities; but such conflicts either did not occur or never became serious and dangerous.† Against abuses of this kind guarantees were found in the moderation, good sense and kindly feeling, or, if one will, the indifference or pre-occupation of the holders of power: sometimes also, the Universities profited by the antagonism of their different

* See Note (85) at the end.

† The opposition made to the Visitation of the Archbishop, in the fourteenth and fifteenth centuries, proceeded beyond a doubt principally from the Lollards; and was therefore the affair of a party, not of the University, *as such*. If the decisions of the Archbishops and indeed of every yet higher tribunal were complained of and resisted, that was from no fault of these Courts, but of the appealing parties, who often belonged to the University itself.

patrons and visitors. The temporal power afforded them protection against the spiritual, the spiritual against the temporal: and it was one of the chief efforts of their policy to make the best use of this mutual jealousy. They had indeed no *security* on this side, that the two great powers might not agree to devour them in common; and a review of their relation to the Crown, will show that the temporal power was far more dangerous to them than the spiritual.

Relation of the Universities to the Crown.

§ 279. (A) Judicial *powers of the Crown over the Universities.*

If we are to form our judgment from history and facts, we shall find no limits to the Royal Power over the Universities. The most trifling as well as the most important matters, every kind of right and duty, from the most valuable property of the Universities to the cleanliness of the academic gutters,—all became, according to occasion or need, objects of Royal care and interference. But such authority naturally comprised corresponding duties on the part of the Crown: the two went hand in hand together; and the latter came even more into play than the former. Indeed it was frequently the Universities themselves, at other times their opponents, that called forth and upheld the claims of

the prerogative, by voluntary appeals to the Crown. Except in very extraordinary cases, it was neither in the spirit nor in the habits of the time for the higher powers, unless expressly called upon, to interfere at all about such matters. High as we may rate the patriarchal tendency of those times, a King of England was certainly too busy to care about the misdeeds or laments of the Universities. Moreover from the want of any general police, as we have seen, it was left to the local authorities, that is to say, to the parties pleading, to *execute* as they could every decree of the higher authority. Nor could a King earn any glory in such interferences, vexatious to him as they generally were. In fact, the wonder is, that, after long experience, the Universities and their Towns, the Mendicant Orders, and other complainants, did not at last become tired of such vain appeals: but it was the general policy of the Middle Ages to multiply guarantees as much as possible. In theory they held the right of the Crown to interfere in every thing:—but, such was their case,—they needed to grasp at every guarantee within their reach. They not only overwhelmed Pope, King, and Archbishop, with their petitions great and small, but every body who seemed anyhow likely or able to advance any of their interests.

I have already stated that the Public *Orator**

* [*Orator*,—possibly should be rendered in English by the word Pleader or Advocate?]

of the Universities received a permanent appointment, that they might be able to command on such occasions the services of an efficient pleader. A curious example of the sort of thing with which the benefactors of the Universities were tormented, may be found under the year 1434: when letters were addressed by the University of Oxford to the King, the Duke of Gloucester, and other "great men," both temporal and spiritual, respecting the pretensions of the Bachelors of Law to be named Masters.

In all this there was certainly some risk to their corporate independence. Upon contested points, they endeavoured to obtain, (no matter under what form,) as many Royal, Parliamentary and Legal decisions as possible. If these turned out favorable, they intended to confirm them by *their own* authority; which, no doubt, seemed more weighty after such a guarantee: but in case of an unfavorable decision, they counted on leaving the affair to a more convenient season, since the higher powers would seldom follow it up themselves. If the opposite party began to enforce its claims, they offered all the physical resistance they could, and appealed so much the more zealously in every quarter. They would in fact pursue a similar course, even when there were no parties disputing, but when, for other reasons, they had asked counsel and assistance in their internal affairs.

§ 280. (B) *Visitorial powers of the Crown over the Universities.*

From all the above, it must be clear that, in earlier times the Crown was signally free from all desire of interfering arbitrarily with the Universities: we have proofs only of its unbounded patience and indulgence under their ceaseless complaints and solicitations. During the Middle Ages, in fact, not a trace is to be found of the later abuses of the Royal prerogative. It was reserved for the great Elizabeth and the Stuarts her successors, to frighten the Universities or Colleges into electing favored courtiers to academic offices, or into letting and selling lands according to the will of the Crown. What a contrast this forms with the respectful manner in which Henry VII., as late as 1487, required the University to deliver up Bishop Stillington, as concerned in the plot of Simnel. Yet in this instance the University was evidently in the wrong.

Nor can the moderation of the Crown be ascribed to its sense of limited authority. There was in fact no formal guarantee against the very worst abuse of the Judicial and especially of the *Visitorial* power of the Crown. The King might either interfere by Royal Letters, or by sending Commissioners to the spot (*de audiendo et terminando*); or he might summon the parties before the Royal Courts and Judges, or even before his own presence; or (during a stay of any length upon the Continent) he might

appoint Protectors to take his place in the University affairs;* or he might institute a solemn Visitation, *in capite et membris*. There was no internal power of resistance in the University, to prevent the Crown from deciding, giving, taking, altering, confirming, ordering, punishing, or rewarding as it pleased. The simplest utterance of his will was without a doubt by Royal Letters, which for this reason have, according to University custom-law, a Statutory power, equal, or even superior to the Statutes enacted by the corporation itself. In fact all the other forms under which the prerogative made its appearance, especially Foundation and Visitation, seem to be only a further developement of the Royal Letters.

During the Schism and the Reformation, it was impossible for the prerogative to obtain any *greater* extension than before, as regards temporal affairs; though it was very possible for its exercise, to become more frequent and of more importance. However it may have been as to other parts of the academic system under the Tudors and Stuarts, it could not be pretended that the *secular* rights of the Universities had suffered encroachment from the Royal power. In the Middle Ages certainly, no one would have doubted that the proceedings of

* As far as I am aware only one instance of this kind is to be found; namely when Henry VII. went over into Gascony in 1242, upon which occasion he nominated the Archbishop of York and two other Prelates to be Protectors (*Conservatores*) of the University of Oxford (v. Wood). It does not follow, however, that this is really the only case of the kind.

those Princes towards them, in such matters, were formally legal. On the other hand, after the Reformation, the new claim of the Crown to the supreme spiritual authority gave a new character to the Royal Letters, and to the Visitations: especially while the Universities were in transition from the Middle to the more Modern Age. This crisis past, the union of spiritual and temporal power lost much of its effect at the Universities, since they themselves more and more lost their ecclesiastical character. Nevertheless,—afterwards as before,—the Universities continued to exhibit the greatest corporate independence combined with an almost absolute *theoretical* dependence on the Crown.*

§ 281. (c) *Legislative Rights of the Crown over the Universities.*

The next question is, how far, in regard to legislative authority, the Crown and the Universities needed reciprocal confirmation. Not a trace is to be found, that any regular confirmation at all either by the Crown or by the Church, was indispensable to ratify the decrees of the Universities, except when the rights of some third party were concerned; and it is certain that the general control was confined to an occasional veto or to a confirmation *for greater security* only. Just as little trace is there, that the Royal decisions (no matter under

* See Note (86) at the end.

what *form* they appeared) needed the concurrence of the Universities to make them binding on them. The difficulties which have been felt upon this point arise out of an assumption, that some settled mechanical order originally existed: whereas, as has been frequently repeated, there was no system at all, but what grew up of itself.

§ 282. (D) *Administrative Rights of the Crown over the Universities.*

Even in appointment to academic offices, the unlimited right of the Crown was never disputed in theory; although the exercise of it must have been looked upon as exceptional, and as a restriction of the academic rights. If such an interference was called a "recommendation of a candidate," it was not the less understood to be compulsive. At the same time, (we allow,) such cases seldom occurred. They generally had to do with the higher posts; and, often enough, the University either by petition won the forbearance of the Crown, or after disobedience received forgiveness. Some of these occasions may be most properly termed extraordinary. Such was, during the inquisition concerning the Lollards, the removal of the Chancellor and two Proctors; and the nomination of their successors, by the King: for at this time (near the year 1400) there were contests and riots against the Archbishop's visitation. We can also

dispense with appealing to the numerous occasions on which Henry VIII. either nominated or urgently recommended certain persons to the post of Chancellor or Proctor. In decidedly earlier times a right was recognized by the Universities, though seldom enforced by the Monarch, very similar to that which since the Reformation has been called the *congé d'élire*.*

The following fact is characteristic. In the year 1494, when the Chancellor (the Bishop of Lincoln) was in declining health, the King forbade the University of Oxford to proceed to a new election, without hearing his judgment respecting it. The University declared itself ready to observe the most dutiful obedience: but upon the Chancellor's death shortly after, it immediately chose the Archbishop of Canterbury to be his successor. Scarcely had this been done, when Royal Letters reached the University, directing it to elect either the Bishop of Litchfield or the Bishop of Rochester. The embarrassment of the University was only increased, when these two Prelates joined in their petition to the King to forgive and sanction their choice. In the whole transaction no doubt transpires as to the King's competency to enforce his own will and pleasure in the matter.† Examples indeed of the Crown's forcing-in its own creatures into the minor Academic offices, do not occur

* Namely, in the appointment of Bishops and Prebendaries.

† (v. Wood, ii. 414.)

fore the middle of the sixteenth century.* At such times, the University, without entering into the general question, tried to ward off such importunity as it best might, or at least not to yield without a recompence.

§ 283. (E) *Authority of the Crown over separate Colleges.*

All that we have been saying about the Universities, is true likewise as to the separate Colleges. Over Foundations strictly Royal, the very great power of the prerogative may be taken for granted: but, as the Crown was in all cases the source of corporate life; it possessed, even over Colleges to which their Statutes gave other Visitors, the very same attributes as in the Royal Foundations; being regarded as supreme Visitor, Patron, and Founder. Thus the Royal Visitations and Statutes of the sixteenth century, bear just as much upon the separate Colleges, as upon the Universities as a whole.

In illustration of the above, instead of fruitless controversy against opinions of an opposite tendency, I prefer quoting the words of the *suffering* party in the only known case of importance, in which the rights of the Universities were violated by the Regal prerogative.† I allude to the case

* (Oxoniana, i. 96.)

† The means by which Henry VIII. obtained an opinion favorable to his divorce, were no violation of the academic rights. He did but exercise unjustifiably the undoubted attributes of the Crown.

of Magdalen College, in 1688, already narrated. Upon this case much light was thrown, by several pamphlets that appeared at the time; and it was afterwards often discussed on many sides. The following passages will speak for themselves; they are from the examination of Dr. Hough, (the President elected by the Fellows according to the Statutes,) before the Bishop of Chester and other Royal Commissioners.—*Bishop of Chester:* You cannot imagine that we act contrary to the Law of the Land: and as to the Statutes, the King hath dispensed with them.—*Dr. Hough:* I find that your commission gives you authority to change and alter the Statutes, and make new ones, as you think fit. Now we have taken an oath not only to observe these Statutes, but to admit of no new ones or alteration in these. This must be my behaviour here: I must admit of no alteration, and by the grace of GOD never will.—*Bishop of Chester:* You have a Statute there for mass: why do not you say mass?—*Dr. Hough:* This Statute is taken away by the Laws of the Land, which oblige us to say Common Prayer.—*Bishop of Chester:* Do you allow that an Act of Parliament can free you from the obligation of a Statute?—*Dr. Hough:* I DO NOT SAY, BUT THAT HIS MAJESTY MAY ALTER OUR STATUTES, OR THE PARLIAMENT MAY DO IT: but I who have taken an oath, &c. can obey no other; but those who shall come after such alterations have been made, are not obliged

to observe them: and that is our case as to the Statutes for mass.*

§ 284. (F) *Questions concerning the Limitations of the Prerogative.*

In the more important cases of Royal interference [especially† those of a legislative character,] a formal communication was made to the academic authorities, which was followed by acceptance of the measures on the part of the University. But there is not the slightest indication that this acceptance was believed necessary for the legal validity of a Royal Letter. Upon representations from the parties affected by it, an unacceptable Royal Letter may certainly have been withdrawn or modified: the University also, may have been itself called to co-operate, or to deliver a previous opinion; especially since (according to the ideas of all parties) its very end and business was, to *investigate* and establish right. Nevertheless a resolution of the University could never finally withstand a Royal Decision.‡

* This last sentence does honor to the President's conscientious feelings: for at no time has there been want of "honorable men," who have thought that the Power that could alter and set aside Statutes was authorized also to absolve from such oaths. The question whether the King possessed this authority singly or only with the Parliament jointly, is not to the point here.

[† The words in brackets have been inserted, because the whole paragraph has been transposed: and in the place where the Author fixed it, the connexion seems to imply that he referred to cases of *legislation*.]

‡ See Note (87) at the end.

A more difficult question is, whether the prerogative was bound by original Statutes and *by its own decisions;* but the instances are very rare where such a question can have practical importance. Generally speaking the Crown would probably abide by its own previous decisions, or by those of the Founders; but would pay no respect to ancient privileges of the Universities, if they had been granted for purposes now antiquated: but whether in this sort of repeal the Crown needed the Concurrence of Parliament, we cannot here discuss. It is not surprising, if the Universities were always more inclined than other Corporations, to make concessions to the prerogative: for certainly no where else was the abuse of it so uncommon. But if we take for granted, that the Crown was bound by its own decisions and by the original Statutory rights of the University, we must not include under the latter the rights which they possessed before the Reformation. No *original* legal rights in fact existed: no privileges whatever, except those granted by the King. In practice it was almost exclusively in judicial proceedings that the prerogative devised limits for itself, by recognizing in the Universities *the right of internal jurisdiction,* or rather the privilege of declining the arbitration of higher courts. That the King did recognize in them this privilege, appears, partly by his appointing commissioners *on the spot,* whenever he interfered as supreme judge; and partly by his

limiting the appeals to the Royal Court, to questions of competency and privilege. No appeal to the King, from the *sentence* of the Chancellor, was admitted. If the Chancellor's *competency*, (based, as it was, upon Royal privileges,) or the *validity* of any other academic *privilege*, was disputed; then, and then only, could the University be called upon to prove its right by "record." Even in these cases it was not necessary for the decision to proceed from the King in *court*: the King was able to examine and decide upon the right in *Privy Council* or in *Parliament*: at least it is impossible to draw any distinct limits upon this point.

That the appeal to the King never referred to sentences given by the Chancellor's Court, but only to questions of competency and privilege; can be proved only in a negative manner. I can no where find any account of an "Appeal" in the usual sense of the expression; and any such Appeal would have been incompatible with the ancient right *de non trahi extra*, and with the many privileges which, from 1243 downwards, were conceded to the academic jurisdiction. Cases on the contrary are too frequent to cite, in which the existence of the privileges, in part or whole, is questioned, more especially on the part of the Towns; and in which a decision is demanded either in the Court of King's Bench, or from "the King in Council," or from "the King in Parliament." All such suits were a great burden and interruption, from which the Universities

struggled continually, but in vain, to get free: in fact, in 1290, *this* species of appeal was still expressly left open to the Burgesses of Oxford.*

Nor had the Universities, in the long run, any reason to complain of the results. The great expence of Appeals rendered the Town slower to engage in them; and the fear of them led the Universities to confine their claims† to such privileges as were reasonable and tenable. Experience moreover taught the Towns that their appeals always ended in strengthening their adversary; nor can the prerogative have found it difficult to protect itself and the Universities from vexatious litigation on the part of the Towns.

§ 285. (G) *Digression concerning the Law-suits in which the Universities were implicated.*

No one can believe that the Towns volunteered these tedious and expensive contests without some imagined necessity. Much less is it probable that

* It would be impossible for me to mark the limits of competency of the different forms of the prerogative. An affair laid before the King's-Bench might equally have been laid at once before the Privy Council or the Parliament; or decided by *Oyers* and *Terminers*. But I cannot wish to investigate minute questions upon which the greatest legal authorities of the country disagree. I hold it myself to be impossible to set any nice limits in these matters; observing that in 1286, the King was able to command the University to remove the excommunication pronounced against Robert de Wells; though we cannot imagine of this as a reversion of judgment by a higher Court, consequent upon an appeal.

† This admits of direct historical proof.

the Universities engaged in hostile proceedings against the Towns, against the Crown, and against various parties in Rome, in the spirit of mere rashness and wilfulness. The expenses upon these occasions were of themselves in every case enormous: but any unreasonable and imprudent conduct in one party, by stimulating the opposite party to extreme exertions, must have raised the legal costs to a yet more extravagant height. Some notion of the expenses incurred in every step, may be seen in several interesting accounts respecting such matters to be found in Lamb's Collection: for instance, in the Journal and Account-book of the Academic Commissioners, who were employed to superintend the renewal and confirmation of the Cambridge privileges upon the accession of Edward VI.* This business was not ended in less than a five-weeks' stay in London and Kingston (where the Court was then residing); and the expenses amounted to £93. According to the present worth of money, this may be reckoned as equivalent to £1000: an extraordinary sum at that time, particularly to an indigent University: and in order to raise the money, the Commissioners took with them upon a pack-horse a silver cross used in the academic processions. Yet the University demanded nothing more than was already her own, not only by ancient privilege, but by the agreement of the Town itself in 1501. Neither did the Elizabethan

* Lamb's Collection, &c., p. 97, sqq.

privileges contain in substance more than had been given them by the compact of 1547; with the exception of one article, which in fact proved the stumbling block between the parties. If misunderstandings continued to arise, especially in times of general disorder, and democratic tendency; that proves, only, that in spite of moderation and prudence, the position remained complicated and difficult. "We have undertaken a task," said the counsel employed by Cambridge in 1547, "not only most arduous and difficult, but endless and most intricate,—to settle the differences between you and the Townspeople." What increased the difficulties of the case, (and consequently enforced prudence and moderation,)—it was generally requisite under every new reign to get a new confirmation of the University privileges. The expenses for "suing priviledges" amounted between the years 1534 and 1543 to £279, and left the University chest in a deficit of £1. 10s.*

§ 286. (H) *Obligations subsisting on the part of the University towards the Crown.*

Concerning the obligations of the Universities to the Crown, the accounts before us are scattered, confused, and scanty. In regard to the *direct* taxes, in the first place: before the Reformation all property of the Universities and their Colleges, and

* v. Lamb.

of other similar foundations incorporated in them, was looked upon as Ecclesiastical; and paid no more taxes to the Crown than any other property of the same kind. That is to say they paid an *ad valorem* Property-tax, as the clergy were accustomed occasionally to do, in the form of a free gift, although (as we have noticed) the Universities took no part in the Convocation where these grants were voted. Whether from a feeling that representation ought to be commensurate with taxation, or rather from the reverence and kindliness so often exhibited towards learning, certain it is, that the University-tribute was often forgiven, although they were never legally exempted. Their adversaries, especially the Town Corporations, complained, with some* justice, of the favor shown them; and being represented in the Lower House of Parliament, did not want opportunity of giving prominence to the topic. Every such outcry seems to have only led to a fresh recognition of the Ecclesiastical character of the academic Houses and Lands. Such burdens as fall upon other Ecclesiastical property, they were left to bear: which they might well do more cheerfully since (as we have said) the Crown seldom enforced its rights.†—To exempt them from *indirect* taxes, was no business of the Crown in particular. Free trade in the University-markets was an affair between the University and the Town.

It does not appear that academic messengers and

* [As so many tradesmen enjoyed the University exemption.]

† See Note (88) at the end.

travelling scholars or masters enjoyed, more than the clergy, any exemptions from Crown charges. There can be no idea of it as to bridge tolls, &c. These were in great part private property; and no one was exempted from paying them, except those who were upon Royal service. As far as we can find, in England the goods of travelling academicians were chargeable as those of other travellers; whatever may have been the case on the Continent. A real privilege, however, enjoyed by the Universities, although *not* generally by the Clergy, was the exemption from "Purveyance;" that is, from contributions *in kind*, for the use of the Royal household, when it visited their neighborhood. Under Purveyance was included not only food and lodging, but also the means of conveyance; and the whole was claimed by every person travelling in the King's service. The system was rendered still more oppressive by the avarice and dishonesty of the Purveyors; as is very clear from the complaints made at all times and from every quarter. Not only were the Universities and their members exempted, but commands were given to spare even the Towns and the country round; that the University-market might never be ill-supplied and high-priced. It would be too much to assert that this privilege, especially the last point, was conscientiously regarded.—As to other personal services, the members of the Universities enjoyed full ecclesiastical immunity. To act as jurors, they could never be

summoned; and to serve as soldiers, only like the clergy, in very extreme cases, such as the defence of the country from foreign invasion.*

After the Reformation however, the ecclesiastical character of the Universities almost disappeared, and the secular quite† predominated. This change seems neither to have been brought about nor perceived by the highest Powers. It came on gradually, and, as it were, of itself, first in men's sentiments, afterwards in fact: finally, it was decided and made prominent, when the Universities had become represented in the Lower House. Their ambiguous position previously, accounts for the inconsistencies and vacillation which long prevailed in the services due from them to the State. Yet certainly ever after the new Incorporation of 1571, the Universities were looked upon (especially in this respect) as wholly secular incorporations; although no express declaration of it is to be found. Thenceforth, with the Colleges, they were under obligation to bear their part in the general taxes. Even so, until the year 1604, when (as we have seen) the Franchise was bestowed upon them, these secular burdens were generally remitted to them, as their ecclesiastical had been before: nor was the same favor even then entirely withdrawn, but it probably ceased only during and after the civil disturbances

* See Note (89) at the end.

† A "University is, in the eye of the law, a mere lay body, though in reality a mixed body, composed of laymen and ecclesiastics."—*Encyclopædia Britannica.*

of the seventeenth century. Thenceforth however, no trace is to be found of this exemption: and of course it is impossible to speak of the grand fiscal operations of modern states, in the same breath with these petty affairs of the Middle Ages. The Universities now, like every thing else in nature or space between Heaven and Hell, belong to *materia taxabilis*.*

§ 287. *Relations of the Universities to the Parliament.*

That we have been speaking hitherto only of the earlier epochs, in which the Royal prerogative was decidedly in the ascendant, will be clear when it is observed, that we have not alluded to the Parliament, as taking any share in the decision of University-affairs: no one however who understands the progress of English liberty, will infer that the Parliament was not as yet a very influential organ. It would entail upon us an entire history of the English Constitution, if we aimed to investigate this subject thoroughly: yet indeed, considering the importance attached to the Universities by all branches of the State, such an investigation might be more fruitful than very many others. But we must keep more closely to our immediate business.

In the very earliest times, the English Parliament entered more or less into the affairs of the

* See Note (90) at the end.

Universities, and gave its guarantee to very many important decisions respecting them. That this took place *first* in the Incorporation Acts of 1570, (because forsooth, they were decked out with the formalities of later legislation,) is but a convenient legal fiction, devoid of all historical truth.* No formal Statute of course warranted the interference of Parliament in matters, which from their very nature came within the competency of the prerogative alone. It was simply called forth by the exigencies of the case, and more particularly by that grasping after guarantees, which was so general, as we have explained, in the Middle Ages. The party who gave the guarantee was afterwards morally bound to see after the matter, and had a moral right to a voice in any deliberation or decisions respecting it. The King, (the Crown in fact,) was always, it is true, the centre to which the University looked; the origin of all formally recognized and particularly of every peculiar right. But this by no means forbad men to seek support from other quarters also. Out of the possession of power (in whatever hands) grew the right and the duty to protect. The Crown itself also would occasionally desire in this, as in every department, to give to its own acts a real validity: and hence arose discussions, private and public, between the King and his Lords, on the affairs of the Universities. When he had assembled his Parliament, University

See Note (91) at the end.

business would occasionally force itself forward. He would enter into deliberations, at first perhaps of a more familiar kind, with his confidential advisers, or with the more eminent Peers; which soon became difficult to distinguish* from those of a legal Parliament. The transition was almost imperceptible in the earlier stages. A distinct separation was first created by the rise of the Lower House, in cases where it was necessary to take its advice. Thenceforth, the Commons also became implicated in University affairs, especially by appeals and petitions from parties aggrieved, and most of all from the Town Corporations: and as the power of the Lower House grew, so also did their interference in these matters. Formally and expressly, neither Lords nor Commons had any *decisive vote* on the subject. They could entreat, they could lay their representations before the Throne, and, *at the very most*, institute inquiries for their own information: but it was at the risk of being told that this was not their business. As long as the King required no money of the Commons for the Universities, and had no intention of violating Magna Charta with regard to them — (how he could have violated it, might be difficult to say,) — he might, in theory at least, exercise his

* As one example for many relating to this point, I quote the following at hazard: "*Rex, &c., coram nobis in concilio nostro in præsenti Parliamento nostro, &c*". (A. D. 1319.) Then 1334: "*Petitio Cancellarii Univ. Ox. coram nobis et concilio nostro in Parliamento nostro*," &c.

prerogative in this direction without sanction of Parliament. In point of fact, and in the long run, we know that the prerogative depended for the real efficiency of its measures, more or less, upon the moral and material weight which Parliament gives.

§ 288. *Speculation concerning a Parliamentary Reform of the Universities.*

For a long time past no idea has been entertained of any such interference of the *Crown* with the Universities; indeed it would now be thought a most extraordinary, suspicious, and unjustifiable innovation. Should legislative measures now pass on the subject, nominally by the concurrence of the Crown and the Parliament, (the only method now imaginable,) everybody knows that the first impulse and the final decision must alike rest with the Parliament. The existing state of things is substantially Republican, although some have an invincible aversion to owning it. The attributes of the Crown have been made over altogether to deliberative assemblies, and now form a part of what has been designated "Parliamentary Omnipotence."*

* One simple fact suffices to establish the above. The Crown cannot act at all, except by a ministry; which ministry of necessity proceeds out of the Parliamentary majority. [That on many grounds much is to be on the other side, all Englishmen know and *feel*. In all fairness a modern Sovereign of England should be compared, not to a French or Prussian Monarch, but to a *Feudal King*. No one knows better than our Author, that an early King of England, though despotic "on parchment," was often in practice feeble in the extreme. Under

The power of the Parliament is in a certain sense even less restricted than the prerogative was formerly: for in the efforts of the present day (conscious or instinctive) after the real or imaginary welfare of the Nation, less and less consideration is taken of local and partial interests, existing things and rights; and the current opinion tends more and more to enlarge* extravagantly the *sphere* within which the State ought to act: though certainly *this* error is less in England than any where else. In consequence, however, the Parliament, when it

the avowed rule of physical force, the same power may be alternately weak and strong; — omnipotent wherever he is present in person, at the head of a military band, — disobeyed in all remoter parts. But in these days, when the attributes of the Crown have been defined, and are invested with a sort of sanctity, an equalization of its power has in great measure taken place. If it is never so strong as formerly, it is never so weak; and on an average, it is far from clear that there has been any real loss. We will not ask whether Queen Victoria has less power than the Empress Matilda; or whether George IV. had less than King John, than Richard II., than Henry III., or than Henry VI.: but, how many of our Kings before Henry VII. exercised the same amount of unbending authority as George III. enforced for forty years together? So much, as to the comparison of New to Old England. But viewing the case absolutely, how striking is the power of our Monarch, compared with that of every subject! A Statesman, as an individual, is *nothing*. If he enters Parliament at all, it is as a representative of hundreds or thousands; and if he rises to eminent power, it is because his opinions are also the opinions of millions. On the contrary, the opinion and judgment, or even the caprices, of the Sovereign, have always much influence, to quicken or to retard at least; and on numerous occasions *that* side will prevail, into which he casts himself. Add to this the veneration of loyalty towards his (or her) person, and I think it will appear that we are *not* "substantially" or "essentially" (wefentlich) "Republicans."]

* [Ought not a marked exception to be made, as to the right of the State to dictate in religion? The movement here seems quite the other way with us.]

chooses to interfere, has a moral force, which the mere prerogative of the Sovereign never could have attained.

We may excuse or pity the academicians, who from fear or disapproval of Parliamentary interference have attempted to raise objections to its *legality:* but all doubt will give way before the reality, whenever it takes place. Such doubts in the present day, might seem but the comfort or innocent self-deception of weak minds: yet (it appears) men are found at Oxford and Cambridge, who imagine that no power on earth has authority to meddle with these holy asylums. Things, however, are changed now-a-days. The Universities have no doubt every reason to expect, hope, or fear, that a thorough reform will be eventually undertaken in them by the prerogative of Parliament,—by a Visitation perhaps, after the pattern of those instituted by the Crown in the sixteenth century: but there is no reason to fear from the higher powers of our days the petty and meddling control in minor details, of the Tudor and Stuart period.*

* It is quite superfluous to investigate the *legality* of such petty interferences. I have not the least doubt, however, that her Gracious Majesty might, as legally as any of her Predecessors, issue her commands, *brevi manu*, to her academic subjects of Oxford and Cambridge, about cleansing their gutters, choosing their Chancellor, or altering the cut of their gowns. [Our Author might add:—Neither have the Academicians reason to fear, as in old days, pecuniary injury to present occupants, high or low.]

§ 289. *The formal connexion between the Universities and the State has become less intimate.*

The changes which we have been considering, have involved in fact a loosening of the connexion between the Universities and the State. The relations between these parties may be as *deep* as ever, but they are not so *broad.* Ultimately we may expect the Universities to be, in the most profound sense more *dependent* on the *Legislature,* with less of freedom as Corporations; but at the same time they are, assuredly, and will be, more *independent,* in being freed from the interferences of the supreme *Executive* power. For more than a century past, it has rarely troubled itself about them; unless any one choose to count up presentations at Court and Royal visits of ceremony. The change ought not to be imputed to the Bill of Rights, nor to any other Statute; although the Revolution has no doubt exceedingly diminished *all* exertions of the prerogative. But we cannot help recognizing the gradual influence of new circumstances and new feelings. Quite of late indeed, in debates and votes of Parliament, the State of the Universities has been mooted; but no measures have as yet been carried.

As for the Princes of the House of Hanover, they never had much care for University interests, or taste for University reform. Nevertheless, down to the middle of the eighteenth century, we meet with reminiscences of an earlier period; — measures

which at the time were regarded as very violent, and would now cause amazement; although once they would have seemed neither extraordinary nor irregular.

For instance, as late as 1748, George II. sent from Hanover the strictest orders to the University of Cambridge to choose no one for Chancellor but the Duke of Newcastle. "The most ridiculous person they could elect," said Walpole; who, at the same time, mentions this proceeding on the part of George II. as "a violent act of authority."* The Whig is very evident in this censure.

The Commonwealth left no permanent traces on the Constitution of the Universities, although its national importance influenced them indirectly in ways which we cannot here point out. The Parliamentary Visitation of 1649 will be the less likely to serve as precedent for the future, as the Parliament in our times has learned the advantage of executing its decisions by the hands of the Crown and its Ministers. It is perhaps worthy of remark, that except this Visitation, there is no act (that I am aware of) on the part of the Long Parliament towards the Universities, which could ever have been thought as, in itself, revolutionary, usurping, and illegal. And even this was then looked upon by very excellent Royalists, (as would doubtless happen again,) as perfectly unblameable.†

* I refer to the expressions used by Stryne, p. 310.
† H. Walpole's Correspondence. Ed. 1837, I. p. 122.

After having thus done our best to give an account of the whole formation of the Academic Constitutions, and more especially of their final settlement, by the Reformation, and by the Statutes of 1570 and 1636; it still remains to discuss the most modern results of these enactments: — results which are looked at by the one party as matters of pride and praise; by the other as a shame and condemnation to the Universities.

APPENDIX TO THE HISTORY OF THE UNIVERSITY CONSTITUTION.

[An apology is perhaps due, for the liberty which has been taken, in removing the following from the centre of Chapter X., where the Author had placed it, and consigning it to an Appendix. Considering how much of the same sort is found in other parts of the Work, and how little interest the subject can have for the *un*-academic reader, it appeared more suitable to print these details in their present form.]

§ 290. *Value of the Degree, and its Conditions.*

As it is clear that both in the University and in the Colleges, the Degree is absolutely essential for every place of power, there is a propriety in considering more closely the qualifications which it demands. In its origin, it naturally belongs to the scientific side of the University; but viewed constitutionally and practically, it will be found to belong to an enquiry concerning the University Constitution. In fact, hitherto, the *power* which it confers has unfortunately been the only permanent and prominent meaning of a University-diploma. The scientific value of this *currency* has varied greatly, not only during different revolutions of the academic world, but even within the limits of the same period. On the contrary, the corporate rights which the Degree confers, were always substantially the same; although by the crippling of the democratic and growth of the oligarchal principle, the franchise may have somewhat fallen in value.

Out of the composed mass of facts,— often contradictory or obscure, generally uninteresting empty formalities,— which relate to the ancient examinations previous to the Degree; we have selected the following.

Our earliest documents date from the end of the thirteenth century, and are to the following effect. The attainment of the Degree depended upon two points, practically inseparable: — a grant from the Chancellor of a *licence to teach*; and an *acceptance* of the candidate for the office by the older Teachers. Both demanded opportunity of convincing themselves of his merit and ability, and the latter also an oath, upon admission, that he would observe and promote the especial rights and interests of their body: The recommendation of the Teachers became the *condition* of receiving the Chancellor's licence; and at the English Universities, where the Chancellor was an Academician, there was no danger of collision between him and the Teachers. But on the subject of the examination, some details may here be introduced.

§ 291. *On the Examination of Candidates in early Times.*

That in the earlier periods at Oxford the candidates were regularly examined by the Bishop or his deputies, — ordinarily therefore by the Chancellor; is plain from the Brief of 1247, already referred to. This expressly states: "Thou shalt not permit any one to teach, unless, according to the custom of Paris, he have been examined and approved of by thee, or by those whom thou shalt have made thy substitutes in this department." The accounts in Bulæus respecting the foundation of the Sorbonne, prove how very strict was the examination at Paris. This *real examination* (which must not be confounded with the questions and answers in the disputation of the Questionists at Oxford) soon vanished; as appears, partly from the need of this injunction, partly from its never being noticed again, until 1636, when it was introduced as something quite new. The expression "*consuetum examen*" in the Statutes of 1549, refers probably to the *College* examinations for the Bachelor's Degree, as a result of which, the candidates were

recommended to the University in the name of the College. There are no instances whatever of *University* examinations for Bachelors, in those times.

This may give rise to some modification of our statement concerning the Cambridge examination introduced between the Edwardian and the Elizabethan Statutes: as I there rested upon the argument, that in the former the examinations are not mentioned, in the latter they are referred to as *consueta*. If that argument be given up, I no longer know any way of fixing the era, when the examinations were introduced at Cambridge. Thus much remains certain—that it was earlier than at Oxford, and at the latest in 1570. There can be no doubt that the more ancient state was the same in both Universities.

We have reason to believe, that before the close of the fourteenth century, the examinations held by the Chancellor or his representatives, (which in Paris were carried on with great severity long after,) totally disappeared at Oxford.

§ 292. *Rise of the Bachelor's Degree.*

The system of studies and public exercises fluctuated for some time between the *School*-character, or original private one, and their *Academic* or later public one. The candidate, emancipated from his Teacher, but still under his auspices and patronage, made himself known to the other Teachers, by taking part in the disputations in their schools, sometimes giving cursory lectures on the usual text-books.* These exercises afterwards became formal public acts (*Disputationes, Responsiones, Lecturæ cursoriæ*) for which the time and place was fixed: a change which, we may suppose, mainly depended upon the accident of obtaining a larger room, fit for such public exercises. This seems not to have occurred until the Monastic Schools were opened; particularly that of the Augustinians. The further developement of these exercises

* This state of things is described, in as barbarous language as lively manner by the Pseudo-Boethius — "quorum gratia coronandus est (candidatus) in favorem eorum scholas peripatetice obambulet, respondeat," &c. (L. iv.)

during the transition from Pupil to Teacher, gave rise to a new academic degree, called the *Baccalaureate;* a term, which (whatever other explanation it may admit) indicates emancipation from the more fettered condition of Pupil.

§ 293. *On the University Terms.*

No doubt at a very early period, both the kind of studies and the time necessary for reaching this stage, were regulated by statute. The time was computed by University terms, not by the common year. In Oxford, at present, the Hilary Term is from the 14th January to the 22nd March: the Easter Term from the 9th April to the 17th May: Trinity Term from the 21st May to the 5th July: Michaelmas Term from the 10th October to the 17th December. The Cambridge terms differ from those of Oxford only a day or two. I am not able to show, when first four terms were introduced instead of three: but it was probably somewhere about A. D. 1400. Originally however,* the year contained only three, not, as in later times, four terms. The number of terms to be kept, for completing the course of a candidate, varied at different periods. At first, it appears, they amounted altogether (from the termination of the Grammatical studies to the bestowal of the Licence) to a full twenty years: but they were afterwards limited to ten.† The works studied during this long period, in learning or teaching, comprised certain parts, then known, of the ancient authors, but mainly consisted in text-books of the Scholastic Philosophy.

§ 294. *Lectures which needed to be attended previous to a Master's Degree.*

The list of the lectures which a Master was bound to have heard, (as given by Wood, i. 22,) appears very ancient, as it

* As to the earlier division I refer my readers to Wood (ii. 29.) [The terms in fact vary with Easter.]

† It is Wood (i. 21) on whose authority this rests.

contains neither the "Sentences" of Peter Lombard, nor several others of the genuine Schoolmen. To attempt an account of the books meant by some of the following titles would lead us too far from our purpose. "*Liber Metaphysicorum — L. Ethicorum — L. Geometriæ — L. Algorismi, Computi, Sphærorum — Arithmetica Boetii — Priscianus magni voluminis — L. Politicorum — Libri X. de animalibus — L. Topicoru Boetii — Libri duo logicales unum de veteri logica, et alterum de nova, vel ambos de nova — unum de Libris naturalibus, vel libros IV. cœli et mundi, vel tres de animalibus — quatuor Libros meteororum, vel duo de generatione et corruptione, vel L. de Sensu et Sensato cum L. de memoria et Reminiscentia, de Somno et Vigilia, vel L. de motu Animalium cum duobus minutis libris naturalibus.*

§ 295. *On the* Act.

A more especial solemn *Act*, then formed the actual close of the whole course of study. In this act the Candidates, under the superintendence of their Teacher or some other Master, maintained their *Theses*, which were for the most part couched in verse;* upon which the presenting Master (who was called the "Aristotle") then recommended his Candidate, who afterwards (at least in the earlier times) delivered some other "specimen of erudition." The Licence was then conferred upon him by the Chancellor, together with the symbols of the *Degree*; and after taking the oath for the observance of the Statutes, he was admitted into the Congregation of the *Masters*, and authorized to *commence* the delivery of Lectures: and hence arise the old expressions of *Inceptor* and *Inceptio*. The whole ceremony was then terminated by a banquet according to the generosity or means of the Candidate, upon which occasion presents were always given away.†

* I have already quoted verses of this kind, vol. i. (p. 332) [of the English.]

† Very often upon such occasions all the coarse plenty and splendor of the Middle Ages was displayed. Wood gives us a list of the dishes of a feast of this kind (i. 219.) The Town Authorities were also often invited.

§ 296. *Origin of Fees paid at the Degree.*

A part of what was originally given voluntarily upon these occasions was established (without a doubt at a very early period) in the Statutes, as fees to be paid to the Chancellor, Proctors, and Beadles. The maximum established in this manner not unfrequently beame a minimum: especially as the *Inceptor*, in order to obtain as crowded an audience as possible, endeavored to exhibit a numerous body of friends; the contrary being looked upon as a disgrace. Indeed, in desperate cases violence even was used by the Inceptors in order to procure themselves auditors. The description in the Pseudo-Boethius is in the highest degree scandalous. They made no ado of laying hold of scholars by the collar and dragging them into the Lecture Room with threats, crying "*Hic est clericus meus*"—"*Hic intrabit scholas meas*," &c. &c.

§ 297. *Honorary Degrees.*

We have described the mode in which the degree of Master, long the only academic dignity, was attained in older times. The University however, always appears to have reserved its right of bestowing Honorary Degrees, in a less tedious way, on some favored individuals, either from scientific or from political considerations; sometimes even dispensing with study and residence altogether. Out of this, abuses might easily arise: yet, the Universities, as their whole position had a side essentially political, neither could nor dared give up the right itself.*

§ 298. *Farther details as to the mode of conferring the Degree, &c.*

To compare the regulations at the English Universities with those of Paris and elsewhere, at the same epoch, would lead us too far. There were certainly not many essential differences of

* The only references I can give for this whole description are the very confused accounts in Wood (i. 21, sqq.) and the testimony (referred to by him) of Sylvester Geraldus, and Pseudo-Boethius.

a strictly academic kind. We have already mentioned the examination by the Chancellor, in which, at a very early period, he was assisted by Academic examiners. A characteristic fact in Oxford is, that he put the Doctor's hat on the candidate, and consequently conferred not only the *Licence* but also the Degree, while this was done in Paris (v. Bulæus ii. 85) by the Masters.—The ancient formula made use of by the Chancellor in Oxford was as follows:—"Receive the *insignia* of thy honour, the book, the hood and the cap, and receive also as a pledge of my love, this kiss,—In the name of the FATHER, the SON, and the HOLY GHOST!" The "*specimens of erudition*" (called *principia*) appear even in the fourteenth century to have been no longer regularly required. With the increase of numbers, there was probably not time enough for these orations. It was necessary the *theses* and the *principium* should have received the approbation of the Regents, and have been written up in public, before they could be delivered. The *theses*, even so late as the seventeenth century, were often in *Leonine* verse. Degrees conferred for reasons of policy, and Statutes against any abuse of the practice, are mentioned as early as 1251.

§ 299. *Progress of the System, by the efforts of the Faculties and the* Colleges, *and by the rise of* Professorships.

The further developement of the system was determined in the following manner. In the first place; in the sphere of Arts, as the age became more learned, the qualification for the Bachelor's Degree was raised and defined, and the formalities of the Master's Degree were multiplied, by way of giving it external dignity and solemnity. The studies of the Under-graduate were brought, more than before, out of the confined circle of the separate schools into the publicity of the University itself. While the foundations of the Master's Degree thus increased in breadth, the three Faculties which were built upon it, began, (almost at the end of the thirteenth century,) to rise towards the pinnacle of the *Doctor's* Degree:

Theology in the middle, Medicine on the one hand, and Jurisprudence on the other.* The influence of the Colleges was felt first when they began to give help in the studies, which thenceforward comprised the preparation for the Degree of Bachelor of Arts and mainly for that of Masters also. It was the *College* that now took upon itself the responsibility, that no wholly unfit person should put himself forward in the public academic exercises. The old scholastic disputations being now totally inadequate, the primitive mode of examination by direct catechising was renewed. Certain oratorical performances were also (as we have seen) required to the same intent, as *specimens*, if not of *erudition*, at least of *classical knowledge*. From the time of Henry VIII. Professorships began to be endowed; a change which soon abolished the liberty of teaching (formerly attached to the Degree and occasionally exercised) as well as the *Lectures from the Chair* connected with it. These were now in fact transferred to the new Professorships. Whatever may have been the real scientific results of these new institutions, they led, at all events, to more decided rules with respect to attending the Lectures of the earlier Royal Professors.

The whole Faculty was represented in its Professor, under whose auspices the Candidates (for Degrees in that Faculty) were presented to the University; just as the Candidates in Arts were presented by their Colleges, or, in ancient times, by their "Aristotle."

§ 300. *University Curriculum of the Seventeenth Century.*

Out of all this a confused and complicated system arose, which, as a matter of historical curiosity, may deserve to be detailed. After undergoing an examination in the rudiments of the Latin grammar, a young man† was received into a College, as a Pupil

* The long contested rank of *Medicine* above Jurisprudence, is doubtless based upon the fact, that the Medical Students never sought to dispense with the Artistic degrees; or at least, that they never succeeded in so doing. I mention only, *en passant*, that Bachelors and Doctors of Music were created even in our days, and that the poetical laurel was conferred by the Universities up to the commencement of the sixteenth century. (Upon the latter point, v. Warton, ii. 440, sqq.) I have already mentioned Grammar as being regarded as a *Quasi* Faculty up to about the fifteenth century.

† The age of the pupil admitted was not to be under fourteen. It would be

at his own expence, or as a stipendiary scholar, and was given over to the especial tutorial superintendence of one of the Fellows — (a Tutor.) The ceremony of matriculation to the University then took place under the auspices of the College, after the administration of the test oaths, and of the oath for the observance of the Statutes. Then began the scientific career,— at first confined exclusively within the walls of the College,* — partly, by instruction from the Lecturers in the higher branches of Classics, Logic, Rhetoric, Moral Philosophy, Mathematics and Theology — (at least as far as a general knowledge of the dogmas of the Church and of the New Testament goes) — partly by exercises and examinations to be held under the direction of the Dean, or repetition under the direction of the Tutor. In this manner the scholar was enabled, after an interval of two years, to enter more or less into the public or University studies, without however neglecting those of the College. During the next two years however he still heard no public lectures; he only took part in the first step of the academic disputations, as Respondent and Opponent. The Questionist was then, after passing through an examination in his College, presented by it to receive his Bachelor's Degree. This was conferred upon him after undergoing University examination also, and after keeping his Act. The Bachelor was then bound, while continuing his College studies, to attend the public lectures, to take a part in greater and more important disputations, and to give certain probationary lectures (*lecturæ cursoriæ*) and oratorical declamations: and at the end of two years, he was presented with the dignity of Master, and admitted to it after keeping his Act, without any further examination.

Upon the principle that the University was *based in Arts*, it was from this point that the career of the higher Faculties began. Probationary lectures, both heard and given, upon the different branches of the different Faculties, led in three years to the

needless for me to enter into any further particulars as to the matriculation, the oaths, the fees, &c.

* I cannot enter into any details with respect to the College studies. General facts may be gathered more especially out of the Statutes of 1549 and 1570, and out of scattered notices in Wood and elsewhere.

Bachelorship in Medicine and Laws; and after seven years (with the additional obligation of delivering probationary *sermons*) to the Bachelorship in Theology. From thence the path to the Doctor's degree was certainly somewhat easier, as no more disputations, and only a few *cursorial* lectures were to be held, in addition to those which had to be heard: yet the candidate was detained, in this last process, not less than four years, in each of the three Faculties.

§ 301. *On the Statutory Lectures.*

With regard to the Lectures ordained by Statute we have the following remarks to make. In the higher faculties mention is generally made only of the lectures of the *Regius Professor*. For the Students in Arts, before the Bachelor's Degree, all that is ordinarily prescribed in Oxford is,* Grammar, Rhetoric, Dialectics, and Moral Philosophy: then for Bachelors in their first two years, Geometry, Metaphysics, History, Greek and Hebrew: in the third year, Astronomy, Natural Philosophy (Physics), Metaphysics, History, Greek and Hebrew. In Cambridge, Rhetoric is prescribed for the first year; for the second and third, Dialectics; and for the fourth, Philosophy: for the Bachelorship, Astronomy, Perspective and Greek: for the Master's Degree, (in as far as it was intended to lead to Theology,) Hebrew and Theology.

§ 302. *Remarks on the Degrees of the Higher Faculties.*

This wearisome and lengthy way, lasting for the Doctor in Divinity full seventeen years, and for Doctors in the other two Faculties fourteen years; — was rendered even† four years longer for the Legal Faculty whenever the candidate was anxious to avoid the expence, the studies and the disputations of the Master's Degree, and pass directly from the Degree of Bachelor in Arts to that of Bachelor of Laws. And even in that case he was obliged to go

* [The reader must not mistake this for the existing system.]
† [The Author said "*five* years;" § p. 106 above.]

through the examination prescribed for the "Artists." The Students in Medicine never obtained any dispensations of the kind: the "licence to practice" however was not made dependent upon the Doctor's Degree: it was granted upon the performance of certain exercises of no great importance after taking the Bachelor's Degree. The advantage bestowed upon the Theologians, which we have already mentioned (p. 106), belongs, it appears, to Cambridge only; at least to that extent. Such were the very greatest concessions made by the "Artists" to the other Faculties.

I have still three things to remark here. In the first place, the medical *licentia practicandi* granted by the Universities has very little practical worth, since it does not supersede the necessity of the London diploma, and for those who have *that*, it is superfluous, beyond the academic sphere at least. In the second place, with regard to the so-called "ten year men" in the Theological Faculty (v. p. 106), they are mentioned neither in the Oxford Statutes of 1636 nor in the Calendar. Whether however that Article of the Statutes of 1540, which in all essential particulars, established the same regulations, was ever expressly annulled, and whether something at least *similar* did not exist in Oxford, I cannot determine. Lastly, respecting the Legal Faculty I have to add, that no one may practice at the bar of the University Courts, without the Chancellor's Licence and the Master's Degree.

§ 303. *On the* Act.

The mechanism which I have described was sometimes complicated by other arrangements. The Bachelors would take part as Opponents and Moderators in the exercises of the Scholars, or the Masters in the same way in those of the Bachelors. A custom arose, that all the final and solemn (in contradistinction to the *ordinary*) exercises, both for the Students in Arts and those in the other Faculties, should fall in the second term of the year, (hence also called the *Act* Term,) and be closed on the last Saturday in June by a solemn general Act (the *vesperiæ*); by keeping which the candidates of all degrees in the different Faculties were considered

to be qualified and entitled to begin the exercises connected with their new degree upon the following Monday. This fresh beginning (*inceptio*) took place with the greatest solemnity and formed the point of richest brilliancy in the scholastic year. In Oxford it was called emphatically "the Act"—in Cambridge "the Commencement:" and so essential was it to the validity of all that had gone before, that it was always looked upon in an academic sense as the real investment. The member was now solemnly received and enrolled into the body corporate of the University, by the assembly of the Regents and the Chancellor. It was this formal and unanimous consent alone that admitted him to the University franchise.

§ 304. *Extreme complication and barbarous technicality of the System.*

This system is complicated enough even in its fundamental points; but when we add to this the numberless regulations about every detail, alike as to realities, forms, and ceremonies; when we have to take account of the various payments connected with these regulations, and the cautions, both pecuniary and of other kinds, and more especially *by oath*, against any intentional or wilful acts of omission or commission, (which were the more to be feared, the more artificial and precise the whole structure was,) when we see moreover both the number of exceptions enacted by Statute or left to the discretion of the Regents, and the strange half barbarous technicalities which are constantly used at the Universities; the whole appears to be an almost unintelligible maze. If any one desires to know more about the minor details of such matters, I refer him to the Oxford Statutes, or, if he can content himself with a scanty summary drawn up without either sense or talent,—to Salmon. I am willing to confess that every attempt I have made to unravel this skein, has made me giddy with head-ache: and I think I may with a good conscience decline to explain the University-expressions, "Generals, Juraments, Quodlibets, Austins, Soph, Questionist, Optime, Wrangler, Aristotle,

Great Compounder, Degrade, Huddle, Pall," &c. &c., to say nothing of the many terms made use of in the Statutes. But I have a few remarks to make respecting the "*Terræ Filius*," to whom allusion was once before made.

§ 305. *On the* Terræ Filius.

According to an account in the "Cambridge Portfolio," it appears that the so-called "*Prævaricator*" played the same sort of part at Cambridge as the "*Terræ Filius*" at Oxford. The latter scholastic Gracioso is really mentioned in the Oxford Statutes, as one of the opponents nominated by the Senior Proctor for the Act. When and how this originated, I know not. Probably here, as often besides in the Middle Ages, the comic instinct received a legitimate sanction in order to restrain it within bounds. Folly (or rather jest and satire) received at that period its marked and acknowledged representatives every where.

§ 306. *On Dispensations.*

With regard to the *dispensations:* we have already mentioned that the students of certain Colleges* were exempted by Statute from many, and the noblemen (among whom were reckoned the eldest sons of Baronets) from all of the public exercises for the Degree,— but not† from the examinations. To say nothing of the Honorary Degrees, there was scarcely any duty for which dispensation might not be given; as may be seen under the head "*De materia dispensabili,*" in the Oxford Statutes. Many of these exemptions became eventually permanent: for instance, as to the number of terms, and the time of residence [during each term]; which partly depends on the College Statutes. The maximum of residence before becoming Bachelor, was calculated at 210 days in the year. After taking that Degree, residence was dispensed

* [Those of *New College*, Oxford, and of *King's College*, Cambridge, are inadmissible to the public examination, which with others is essential to the Bachelor's Degree.]

† [These are *now* the *only* "public exercises."]

with altogether; and presence was required only for the Acts established by Statute.

§ 307. *Conclusion.*

While this system existed, it was seldom more than empty formality, official fiction, valued only for its external pomp, and impression upon the senses. Some years of Laud's chancellorship and of the Restoration, may have formed an exception in Oxford: in general, however, learning, as far as it did exist, was at all times really situated *behind* or *apart from* these scholastic decorations and solemnities in the Colleges.

CHAPTER XI.

THE ENGLISH UNIVERSITIES AFTER THE REVOLUTION.

§ 308. *Introductory Remarks.*

We are now about to comprise in a single* chapter, the more modern history of the English Universities. In so doing, we advance upon what must strictly be named *party*-ground; for which reason it becomes almost as useless, as it would be tedious, to adduce documentary proof of my assertions. In fact, the material is too ample, to make it possible in my limited space to quote even the most essential passages; and those who should differ from me, would probably differ as to their interpretation and estimate of my facts, not as to their formal authenticity. I cannot therefore make up my mind to the effort of heaping citation on citation, in the vain hope of convincing a reader,

* [I have nevertheless ventured to break it into three divisions, by introducing headings.]

whose confidence I have not yet succeeded in earning.

But I must here protest against the notion, that the arrangement which I have adopted implies that these Universities have remained in ossified immutability for the last century and a half: on the contrary, the change in them has been very considerable and striking. But it has been for the most part gradual, and its early progress is little known in detail; while the passions which distort our view of very near events, disable us from judging very correctly concerning the present posture of affairs. On the whole therefore we cannot satisfactorily break this period into two, as the former would be too meagre in itself, the latter too modern for historical discussion. We shall therefore content ourselves with a general sketch of the earlier period, and of the regeneration that followed: showing also how both were connected with the state of the nation at large.

First Division of the Chapter.

On the Exterior Aspect and Material Resources of the Universities and their Colleges.

§ 309. *Remarks on the Dignified Splendor of the Universities.*

We have already seen what noble endowments the Universities and especially their Colleges rescued out of the dangers of the sixteenth and seventeenth centuries: but after those critical times were passed, each new year brought with it some increase of wealth. Donations and legacies, abundant as they have been, would yet be insufficient to explain the ever increasing pecuniary prosperity of these institutions, without skilful and conscientious management. To illustrate the accumulation of wealth from secondary sources, I may be allowed to refer to two heads. First, as to the *silver plate* possessed by the Colleges. It is usual for every nobleman, or indeed for almost every wealthy student, on quitting College, to leave behind him as a memento, some article of plate: and the number of such persons who anually leave, in the larger Colleges, cannot be less than from ten to fifteen. Next, as to *printing presses*; from this source alone, on the

average of seven years from 1801 to 1815,* Oxford derived yearly £33,956, and Cambridge £33,720. Against the honorable administration of these funds, the respectable adversaries of the Universities give their willing testimony, that no suspicion whatever is to be entertained.

We trust we have shown in the course of this work, that we are very far from supposing the external wealth of such institutions to be in itself an end worthy of applause: and that we hold it to be the duty of History severely to question such powerful bodies, how they have fulfilled their high moral and intellectual calling. Nevertheless, we emphatically deprecate the preconceived ill will, and the obtuseness of pseudo-criticism, which can lead any to turn away abruptly from the pleasing impression which Oxford and Cambridge tend to make on the senses of the observer. In truth, there is scarcely a spot in the world which bears a historical stamp so deep and varied as Oxford; — where so many noble memorials of moral and material power, co-operating to an honorable end, meet the eye all at once. He who can be proof against the strong emotions which the whole aspect and genius of the place tend to inspire, must be dull, thoughtless, uneducated or of very perverted views. Others will bear us witness, that even side by side with the Eternal Rome, the *Alma Mater* of Oxford may be fitly named, as

* The Universities have by law certain privileges concerning the printing of the Bibles and Prayer Books used in the Anglican Church.

producing a deep, lasting and peculiar impression: I need hardly therefore apologize for trying to paint a few of its outward features, to my readers. The general colors of the picture would be the same for Cambridge; but we may fairly give the precedence here to the elder, and, upon the whole,* more stately sister, with whom, moreover, the writer has better acquaintance by personal observation.

§ 310. *General Description of Oxford.*

In one of the most fertile districts of that Queen of the Seas, whom nature has so richly blessed, whom for centuries past no footstep of foreign armies has desecrated; whose trident bears sway over a wider circle, than ever did the sword of the ancient Mistress of the world; — lies a broad green vale, where the Cherwell and the Isis mingle their full, clear waters. Here and there primeval elms and oaks overshadow them; while in their various windings they encircle gardens, meadows and fields, villages, cottages, farm-houses and country seats, in motley mixture. In the midst rises a mass of mighty† buildings, the general character of which

* Cambridge has peculiarities to which Oxford has no parallel. The Chapel of King's College is a jewel of Middle Age art. The larger Colleges at Cambridge are clustered together, so as to afford a view for which we shall look in vain at Oxford. The Fitzwilliam Museum exceeds anything of the kind at Oxford; and Downing College, erected only in 1821, surpasses any of the Colleges built at Oxford since the middle of the sixteenth century.

† Gewaltiger bauwerke.

F.Mackenzie lithotint

C.Hullmandel's Patent

OXFORD FROM THE NEIGHBOURHOOD.
1842.

varies between convent, palace and castle. Some few Gothic Church towers and Romanic domes, it is true, break through the horizontal lines: yet the general impression, at a distance, and at first sight, is essentially different from that of any of the towns of the Middle Ages. The outlines are far from being so sharp, so angular, so irregular, so fantastical: a certain softness, a peculiar repose reigns in these broader terracelike-rising masses. Not that the Gothic pinnacles that point up into the sky are in themselves inconsiderable: the tower of St. Mary's is inferior to but few of the third order. But they all appear less prominent than either the horizontal lines or the cupolar form, which here and there rears its head; whether it be from its greater variety or its more perfect harmony with the style of the whole, that the latter arrest the eye more than the former. Only in the creations of Claude Lorraine or Poussin could we expect to find any spot to compare with the prevailing character of this picture, especially when lit up by a favorable light. In *reality* probably there is none anywhere.* The principal masses consist of the Colleges, the University-buildings and the City Churches: and by the side of these the city itself is lost on distant view. But on entering the streets, we find around us all the signs of an active and prosperous trade. Rich and elegant shops in profusion, afford a

* Unprejudiced travellers agree with me, that all the views of Oxford represent the spires too high. This is perhaps to be imputed to an ill-judged policy on the part of artists.

sight to be found nowhere but in England; although side by side, it must be owned, with the darkest contrasts of misery and depravity. But the stately houses* of merchants, retailers, craftsmen and innkeepers with all their glitter and show, sink into a modest, and as it were, menial attitude by the side of the grandly severe memorials of the higher intellectual life; memorials which have been growing out of that life from almost the beginning of Christian civilization. They are as it were the domestic offices of these palaces of learning, which ever rivet the eye and mind of the observer, all beside seeming, perforce, to be subservient to them. Oxford indeed has no manufactures of consequence. The sweating sooty giant-industry of the day, offers to the Muses nothing but his previously finished produce, without forcing on the sense the thousand offensive consequences of its creation. The population moreover has a tranquil character, making it seem to be far less dense than in other flourishing English towns; and in fact the noisy whirling streams of human creatures that hurry along the streets of London, Manchester, Liverpool and Birmingham, would be ill adapted to the architectural and historical character of the place. Yet there is nothing herein to suggest the idea of poverty or decay. What strikes the eye as most peculiar, is, the contrast between the fashionable

* [Englishmen will perhaps be surprised to hear the dwellings of the Oxford *townsmen* counted "stately:" ſtattlichen.]

and varied dress of the more active and busy townspeople and the ancient, severe, and ample ecclesiastical costume of the "gownsmen," who may plainly enough be seen to be the ruling spirit of the place. Every where indeed wealth and rank are sure to meet with outward signs of respect; — no where more surely than in England, and from tradespeople of the middle classes. But perhaps in all the world it might be hard to find so many forms, evidently the stately representatives of the genius of the place,* as are the Fellows and Masters of the Colleges at an English University. It is a peculiar type, propagated from generation to generation.† The University towns have happily escaped the lot of modern beautification; and in this respect harmonize with the Colleges. Each of the larger, and more ancient Colleges, looks like a separate whole; an entire town, whose walls and monuments proclaim the vigorous growth of many centuries: in fact every College is in itself a sort of

* I do not need to point out the contrast existing between this extraordinary appearance of the population of the English and that of our German Universities—more especially as it was fond of displaying itself some few years ago. Now a days, it is true, the motley and fantastic parades are lost more and more in the system of levelling and assimilating all to the uncircumcised world around (Philisterwelt): whether to the real advantage and profit of more serious matters, is doubtful. I will not, however, deny that, in Oxford and Cambridge, the obligation of this sort of clerical dress is not unfrequently in contradiction to the character of the youthful form and spirit of its wearer, and productive of the strangest want of harmony.

† Nice observervs go so far as to believe they can discover characteristic differences, as to this as well as other respects, even in the members of the different Colleges!

Chronicle of the History of Art in England, and more especially of Architecture: but we must here confine ourselves to giving some account of the greatest of them all.

§ 311. *Description of Christ Church, Oxford.*

Some idea* of the immense extent of Christ Church may be derived from the number of its inhabitants: about four hundred of whom,— Canons and Fellows, Officers and Servants, both spiritual and temporal, "Gentlemen-Commoners," "Commoners" and Scholars,† — are lodged within its walls, by no means in a crowded manner, but with every comfort and convenience, and frequently in spacious apartments, large enough for whole families, to say nothing of the gardens, and of the pleasure-walks‡ miles in length. In such an extent of building, the irregularities of the architecture

* The following details may give some notion of the resources of this corporation. The Dean's income amounts to £2,000 a year — that of each of the eight Canons to £1,000 a year — those of the one hundred and one Students (or Fellows) amount altogether to £10,000. The seventeen College Officers have salaries to the amount of £8,000. There are ninety-four livings in the College Patronage to the amount of £28,200 a year. The actual revenues of the College amount to about £24,000. Besides, we must not forget to mention that almost all the new buildings, arrangements and purchases of any consequence have always been made by means of extraordinary presents and benefactions, and still are so.

† The average number of the "members on the books" varies from seven to eight thousand.

‡ [Assuredly rather a magnificent description of Christ Church Meadow. It is popularly called, *one* mile round: the walk also is open to the public at large.]

cannot be offensive. On the contrary, inexhaustible interest and reminiscences most varied are excited, while studying works, which are the imperishable symbols of national feeling. Combined we see the compact and heavy arch of the Saxons, here and there notched; the marvels of the slim Gothic pillars; the soaring pointed arches of the Cathedral of St. Frideswide; the rich and flowered tracery of the Tudor style, in the bold masses which Wolsey originated and Wren did not disdain to finish; and finally, the buildings of Peckwater Square, in excellent imitation of the antique, which date from the beginning of the eighteenth century. When the general aspect fails to please, the eye is charmed or the mind occupied with the external or internal decoration. Indeed, whether it be blamed or not, the fact is, that as regards the internal arrangements, comfort and beauty are provided for in a manner fully worthy of the exterior. From the very first, the magnificent style of Wolsey's kitchen gave rise to malicious criticisms: nor is it probable that the extensive wine-vaults, so like to catacombs, were less satirized. How much more, however, must those who attacked Kitchen and Cellar have protested against the immense Dining-hall,*

* The hall is 114 feet in length, 40 in breadth, and 50 in height, with a large arched window at the east end. The front of Christ Church, begun by Wolsey and terminated by Wren, is 400 feet in length. The great court (quadrangle) is 263 feet square. The great room of the library is 140 feet in length, 30 in breadth, and 37 in height. So much may serve as a standard for the rest.

one of the most splendid monuments of the art of the Middle Ages, with carved wainscoating and ceiling, ornamental pendants, sculptured beam-heads, cornices, &c. From the walls look down portraits of former members of the society, who have distinguished themselves either as its benefactors, or (oftener) as Statesmen or Generals, men of learning or Poets. The number of really *great* or *pure* names among these, from Wolsey to Canning, will never be very nicely enquired into by any one, who considers the true weight of these epithets: but there is enough of well-earned fame among them, (speaking in a worldly sense,) to rouse emulation in every not wholly dull or thoughtless mind, or at least to awaken a sort of kindred spirit, which exists not at all the less for the daily recurrence of the same impressions. The living members of this society, amount to several hundreds of men, most of them from the first families of the land,* and filling highly important public stations. When they meet in this Hall, from far and near, upon some solemn occasions,† under the eyes of those portraits, (portraits in many cases of their real forefathers!)—the impressions then produced on cultivated and sensitive minds cannot pass away and leave no trace. Of necessity, such meetings prove a rich spring of well-founded conscious pride, as well for the whole body as for the individual.

* Christ Church is an eminently aristocratic College, as may be seen by casting a glance at the University Calendar.

† Such as the Commemoration-Festivities in honor of the Founders and Benefactors of the College.

OF THE
BOMBAY
BRANCH
OF THE
ASIAT
SOCIETY

THE RIGHT HON^BLE GEORGE CANNING, M.P.

(Prime Minister in 1827).

as he is represented in Christ Church Hall, Oxford.

Day & Haghe Lith^rs to the Queen

What is to be the aspect of the new countenances hereafter to furnish portraits for the vacant places, we cannot pretend to say: but as far as these physiognomical annals at present go, it is impossible to mistake their general type. They almost invariably exhibit broad, strong, and sometimes heavy features, displaying more character than intellect; and at all events, an admirable *material* foundation, which not unfrequently assumes a very undue preponderance. Let it not be supposed, that this is only the *English* physiognomy; the common stem is divided here into two very different branches: we might however almost characterize it as the *Tory* physiognomy. Like a strange heterogeneous alien in the midst of this party, the slender and sly features of Canning look down upon us, the eyes gleaming with a false light of higher intellect: like a fox among bears, if, with becoming respect, we may venture so to express ourselves.

But we must turn to those parts of the buildings which are adapted to the private or social needs of modern life. Not only has every Student* his sitting room, bed room, and drawing room; but there are noble apartments, furnished for their common use. Besides, there is the Library, the Picture Gallery, Lecture Rooms, Museum, an Anatomical Theatre, &c., of all which at least the exterior harmonizes with the style of the whole, and leaves

* [*Student* of Christ Church, bears nearly the same sense as *Fellow* and *Scholar* in other collegiate bodies.]

nothing to be desired in this respect; whatever may be said against the value of the selections, or the little use made of them, &c. &c. All the population of this little town, of course are not equally favored in their places of residence. Chief in splendour is the establishment of the Dean, (the Head of the College;) who, as the only* member authorized to marry, inhabits a whole house with a private entrance, garden, &c.: while at the opposite extreme, we find certain romantic pigeon holes, in the tower which rises above the grand entrance; where either some poor scholar nestles from indigence or some young misanthrope from caprice, at the risk of losing his senses from the lengthy tolling of Great Tom, when every evening at nine o'clock it gives warning of the closing of the gates.†

§ 312. *The College Buildings in general.*

Although it is in all cases indispensable for every College to have a great Hall, a Common Room for the Fellows, a Library, Lecture Rooms,‡ and Chapel, beside the different sets of private apartments

* [The Canons of Christ Church *are* at liberty to marry, and generally use the liberty. Many of them certainly have a family house within the walls.]

† The great bell of Christ Church, which weighs seventeen thousand pounds, bears the inscription "*In Thomæ laude resono bim bum sine fraude:*" the dubious classic worth of which cannot be laid to the charge of the College Muses, as it belonged before to the Abbey of Osney.

‡ [Colleges have not special Lecture Rooms. The private apartments of the College Tutors suffice, as the numbers of a class are always very moderate.]

and numerous offices; yet the greatest variety exists among them as to size and splendor, according to their finances. Nevertheless, all of the Colleges, particularly the older ones, have some remarkable specimen of the art of the Middle Ages to show,* and who can be ignorant of the lustre which is hereby thrown upon a whole establishment? Many of the greater Colleges even possess, beside the necessary apparatus for instruction, collections in natural history or the arts. A distinction still more remarkable, may be found in the difference of taste observable in all these matters, although always connected, more or less, with the general trim of College life. One College, for instance, boasts of its *ancient* style, another looks to its *modern* elegance as a recommendation — a third is distinguished for its solid comfort: one is thought to have the best kitchen, another the best cellar, &c.: one has the reputation of offering the more "gentlemanly" society, another of being more profound in learning: and so on through an infinite variety. In all, however, the same general tone of coloring exists: and this we do not know better

* Unfortunately many of these memorials, which would have set time at defiance for many centuries to come, have been wilfully destroyed. The Vandalism of the Reformation and of the Civil Wars did much: but the pedantic, pseudo-classic, or, one might say, Frenchified tastelessness of the eighteenth century has either ruined or left to decay as least as much: and the responsibility in this case is even heavier still. Traits of this kind may be found in Chalmers and elsewhere. The *industrialism* of the nineteenth century has happily never been able to fix its tooth upon them.

how to designate than as the tint of the much-envied "Dignified Ease."

§ 313. *University Buildings.*

As the University establishments have generally originated from private endowments, we must not expect to find in them that appropriate and judicious arrangement which can be given only by a plan regularly drawn up beforehand. In modern times however, as much has been done in this respect, as is required by the present state of English learning; very limited as this must appear, when compared with our German Universalism, which stops only when materials fail. Indeed it is well known what treasures of literary curiosity are contained in the Bodleian Library: and, generally speaking, the existing institutions suffice for the demands of the day: nor can any department of learning or science be mentioned, that is not provided for. What we have to occupy ourselves with now, however, is the external appearance and condition of all these institutions.

The following buildings stand very close together: — the Bodleian and Radcliffe* Libraries: the Schools,— which (in addition to the public Lecture Rooms for the different branches of learning) contain the Pomfret and Arundel Antiquities, and

* [Our Author's Notes are evidently taken as long back as the year 1830; since he does not notice the new Clarendon Press, a noble building in the neighborhood of the Observatory.]

the Picture Gallery: the Divinity Schools (one of the most admirable monuments of the architecture of the fifteenth century): the Ashmolean Museum: [the old]* Clarendon Printing Press, and the great Sheldonian *Theatre.* Together, these form an imposing group, the weak points of which are but little apparent. Then farther off, are the Observatory, the Botanical Garden, the University Hospital, and the "Music Rooms:" all of which, as the others, bear the impress of solid magnificence in the best state of preservation, or at least can boast of a respectable massiveness, in a higher degree than perhaps might be found elsewhere.†

§ 314. *Great Public Solemnities.*

The *Theatre* will contain above three thousand persons: and whoever has seen it upon any great University festivity, will certainly admit, that the solemnity itself, and the interest it excites far and wide, combine to make the spectacle one of the most imposing and peculiar in modern life. On such periodical occasions, the peculiar color, features and tones of English academic life are all

* This institution is, *strictly* speaking, *not* a University one: but a perfectly independent foundation.

† But little has been said in praise of the state of preservation, cleanliness, &c. of these institutions, by travellers of the eighteenth century: and in some instances, on the contrary, the complaints respecting the very reverse have been very bitter. I can do no more than testify what I myself have seen: and I find that many of our later tourists perfectly agree with myself. In this respect, consequently, it would appear that Oxford has been considerably improved.

united, as it were, into one brilliant point: and although in more recent times many days of ceremony have been done away, enough remains for all worthy ostentation. In truth, this diminution of their number has concentrated the resources and the interest of such solemnities on the occasions still observed: and it is scarcely possible for them to have been ever kept with greater pomp, dignity, and attractiveness than at the present day.

The culminating point of the University life is the "ACT," which takes place every year upon the 15th August,* and in Cambridge is called "the Commencement." Its principal object is, solemnly to bestow their Degree upon those who have† obtained honors in the preceding examinations, and who frequently amount to forty or fifty. To this is added the distribution of prizes of various kinds, the public reading of the pieces to which the prizes were awarded, and musical performances under the direction of the candidates in Music. The annual solemnity in honor of the benefactors of the University,—the "Commemoration day"—gives occasion for similar, although‡ less lengthy festivities.

* [The *Act* at Oxford is on July 5th, or thereabout. It is a mere form, only a few official persons being present. August 15th is always in the Long Vacation; and it is hard to think that the Act can ever have been held on that day.]

† [This is a mistake. The Degree is conferred without distinction, on those who have passed their examination with peculiar honor, and on those who have passed it *at all* successfully. At Cambridge, the Senior Wrangler *alone* is disinguished in the reception of the Degree.]

‡ [This likewise is wrong. The Commemoration is THE great day of festivity and publicity, on which the Prize Compositions are read in the Theatre.]

The Universities also, as may be very well supposed, never fail of supporting their dignity worthily in their reception of the distinguished guests who visit them: and in consequence of the frequent recurrence of such occasions, no uncertainty is felt how to proceed. Although not honored every year by the visits of Royal guests, or of such a constellation of crowned heads as appeared upon their horizon in 1814, yet, through their powerful sympathy with public politics, they have many opportunities of outwardly testifying to the great party-leaders their respect and confidence. In these academic festivities, the picturesque scholastic costumes of the Middle Ages, — the black, crimson or pink drapery of the many hundred University-members, &c., are blended with all the brilliancy and variety of modern fashion, and crowned with a wide and deep wreath of female beauty. None can suppose such scenes to be without a striking effect: but beside this, they are reproduced in detail on minor occasions and in single Colleges.

Second Division of the Chapter.

Intellectual and Moral State of the Universities after the Revolution and through the Eighteenth Century.

But what avails all this material, aristocratic and ancient splendor, it may be asked, if the higher duties of the University are in the mean time neglected, the well being of the whole sacrificed and the enlightenment needed by the present day disregarded? We cannot deny, that this is a most important question: a question, indeed, to which but one answer can be given. But whether it is here asked in place; that is, whether, as a matter of fact, the English Universities merit the censure implied, we now proceed to consider.

§ 315. *University Studies and Examinations in their Decayed State.*

The most unprejudiced accounts agree that a sort of torpor prevailed at Oxford from the time of the Revolution until far beyond the first half of the eighteenth century: and this is the more remarkable, as it followed immediately (as we have seen) upon a period of great and multifarious intellectual activity; and Cambridge, at that very time, had entered upon her period of greatest glory, the era of

Newton and Bentley. That what are properly to be called the *University* studies, completely sank, cannot admit of the least doubt. Among the Public Professors, there is not a name to be found, whose productions, as far as they are known, and abilities, as far as they may be judged from the productions, can claim the praise of even mediocrity.* When we reflect too, that considering the long established preponderance of the *College* studies, it can have been no easy matter even for men of superior abilities to gain zealous attention as University Professors, it can be no longer matter of surprise, that in such hands, it sank into complete nullity, and that the Professorships became mere sinecures, whose holders eased their consciences by lectures to empty walls and naked benches, (called "wall lectures,") and were much annoyed, when any strange listeners — mostly *freshmen*, whose simplicity had been abused by their more experienced comrades, — happened to attend. After a like fashion were the public disputations and examinations carried on, which were to end in the Academic Degrees. The want of all life ensured the decay of this system into thorough absurdity, the more so, in proportion as the mechanism was

* The only exception we can find is Blackstone, who had the Vinerian Professorship of Common Law: but it is a well known fact that his post as University Lecturer was only a nominal appointment. In fact his writings contributed towards rendering the law-studies still more inconsiderable, as they offered a much more convenient and cheaper manner of satisfying all that was required, which was in itself of a purely practical nature.

artificial. It sank into a heap of formalities, in which the mere letter of the Statutes was observed as cheaply as possible. Not even decent appearances were preserved, and the worst abuses (such as "*huddling*") by help of technical interpretations and express or tacit dispensations, came to be the general rule. In their utter want of good taste, these acts were like those of the worst times of the scholastics of the Middle Ages; and were besides deficient in the external and incidental life and spirit, which the greater simplicity of the earlier period contrived to bestow on them. But minutiæ are here inadmissible.*

§ 316. *College Studies of the same Period.*

As to the studies in the Colleges, they may possibly have been less empty than those publicly encouraged by the University: but to appreciate them in detail would be very difficult, even if we had what we have not,— trustworthy and minute accounts. That the study of Classics in the Colleges cannot have been at so very low an ebb, as the aspect of things in the University would suggest, seems evident: otherwise how could successive generations have issued from the Colleges thoroughly grounded in all that is absolutely requisite for understanding the ancient languages? and how could Oxford have maintained above Cambridge a

* See Note (92) at the end.

AT FOR THE DEGREE OF BACHELOR OF CIVIL LAW.

reputation for classical learning?—Yet even in this department, the energies of Oxford had sunk to their lowest point: a judgment in which we are warranted, by the notorious fact that the *other* studies, — mathematical, physical, philosophical, — were become mere nullities. The same judgment is moreover fully confirmed by the most credible testimony. Besides, we cannot blind ourselves to the political and moral state of this University at that time: which was such, that even without positive testimony, we might confidently infer that it would exercise a baneful influence on its literary condition.

§ 317. *Political Position of Oxford after the Revolution.*

This political position — (serious as were the consequences it entailed) — arose from a source most honorable in itself; namely, from the attachment of the University to principles in Church and State, the support of which, (at least along with others differing from them more or less,) would in no case have needed justification, and which, considering the whole past history of the University, must needs have gained its fond preference. We have already seen, it is true, that Oxford was among the first who saluted the Prince of Orange as the saviour of the rights and interests that had been endangered by the infatuated Stuarts. Oxford,

however was also among the last to sanction the confiscation of the rights of the exiled family and of the Crown itself. When the breach made on the Royal authority, (which at first had appeared only of conservative tendency,) extended further, Oxford up to the middle of the eighteenth century was the chief seat of the JACOBITE principles, wishes and even attempts of the day. This went upon certain occasions so far, that in the disorderly epoch of 1745, fears were entertained of an armed insurrection in Oxford: and the Government thought it necessary to place a military garrison in the town, perhaps chiefly to preserve the University from the consequences of its own imprudence. After the unfortunate result of the last attempt in favor of the Stuarts, the Jacobite spirit gradually died out in Oxford as elsewhere. Although a few harmless individuals, relics of antiquity, may have continued to cherish their old desires; the great majority (and there is no doubt the more intelligent and active) followed, though at some distance, the change of their whole party: and we thus find them again among the *modern* Tories, as the champions of the ARISTOCRATIC element in the State, and of the Anglo-Protestant Supremacy in the Church. They were at the same time, more or less sincere, champions of the Crown: but this could not prevent the Royal power from being transferred to the Aristocracy. For the Aristocracy, which was originally and naturally represented in the House of Lords,

had now contrived to control the elections of the Lower House, originally a democratic organ; and to transform the servants of the Crown, first into servants of the Parliament, and thereby into servants of the Aristocracy.

But until the University had joined the ranks of the new Tories, its position was unpleasant enough. Whatever may have been the views held for a time in Scotland or Ireland, no man of sense in the heart of England could flatter himself, that the Stuart cause was not hopeless. To persevere in it was honor or conscience in some, obstinate caprice or false shame in others; — results of that rigidity, which is no bad element of character, either in an individual or in a party; but which, like every other, has its extravagancies. None but minds of rare purity and harmony could support without bitterness, such a position, and the sacrifices of ambition and self-interest which it entailed. Another thorn in the conscience of most academic Jacobites, was the oath of allegiance prescribed by the Statutes; which was in itself enough to deprive the more worthy of them of their equanimity. Indeed how it came to pass that men otherwise honorable contrived to swear allegiance to one master, while in their hearts they supported another, and *served him as often as they could*, I will not attempt to divine.

The demeanor of the ruling powers must have increased the uneasiness of conscience of the Oxford

Academicians. Both under William and Anne, and under their successors of the House of Hanover, the government showed inexhaustible patience toward the University: in fact, severity would have been so palpable a plunder, that we can hardly count forbearance a merit. However, they very wisely left the University to itself, and to the influence of time; only now and then, when it seemed to be worth while, seeking to win individuals over; but without taking notice of any outbursts short of positive high treason: — a charge in which few academicians had either desire or opportunity to implicate themselves. The party was thus deprived of the stimulus given by political martyrdom; and their discontent appeared like sullenness, — undignified, if not exactly silly. Meanwhile, the Academic Jacobites, to the extent of their power, persecuted all Academicians who were adherents of the Whigs, by putting difficulties in the way of their Degrees, or by actually refusing it; by voting against them in elections for University offices or other places of profit; and by punishing very severely in *them* any errors of commission or omission, real or pretended. By the Academic constitution they could often do all this, without violating the *letter* of the Statutes. The Government could not help its adherents without undertaking to control the Universities in details: and for this, very rightly, it had no inclination; — especially since the parties under persecution had in many cases given occasion, or at least

pretext, for what was done. Jacobites of the better class must have felt disgust and self-contempt for these unworthy doings; although in political struggles, such and worse manœuvres are habitually practised without scruple. But in the midst of this ill feeling, bitterness and suppressed indignation, where could there be healthy intellectual progress? and how could the University exercise intellectual influence on the circles external to her? Political and personal considerations ordinarily supplanted the interests and rights of learning. We need only mention the single fact, that Locke's Philosophy (upon which at that time depended all the progress of learning in England) was proscribed as "Whiggish." Bad became worse, when the oppressors ceased to belong to any really existing national party; — constituting a small majority in the College Oligarchy, obstructing and annoying in its general character, and opposed to the mass of the gownsmen, who were either Whigs, or oftener Tories of the new sort. I need not explain that the contrast between the Jacobite faction and the Tories was not sharp and that the transition was very gradual; that at last this whole evil spell was dissolved, when the Tories came into the place of the Jacobites. But it may be requisite to insist, that this change eminently contributed to introduce a more favorable period at this University.*

* See Note (93) at the end.

§ 318. *State of Cambridge after the Revolution.*

Cambridge was happy enough to be placed in this better position half a century before Oxford; to which several remarkable, indeed providential influences co-operated. It was an eminent point of good fortune, that within her walls were found the two* men, who in the promotion of science and of classical criticism became the leaders, not of England only, but, in the first instance at least, of all Europe. The most eminent Cantabrigians, as Newton himself, were avowed and decided Whigs: and if any regard this as explaining† the phenomenon that Cambridge immediately accepted in a straightforward manner the consequences of the Revolution; I have nothing to say against it. At all events, as a fact, she avoided the false position, which was the ruin of Oxford. This difference in the tendencies of the two Universities has been already noticed, as connected with the greater infusion of the *Northern* element in Cambridge. The remarks however which we made concerning this University during the Stuart period, will suffice to explain, why, after the Revolution, the fusion was more easily brought about there, than at Oxford:—namely, although the Whigs had not an actual majority in Cambridge, yet, the struggle of Whiggery contributed rapidly to transform the Jacobites into

* [Doubtless, Newton and Bentley.]

† Yet some may think, that this fact itself needs explanation.

OF THE
HOBBAY
BRANCH
OF THE

R.W.Buss del. Lowes Dickinson lithog.

Printed by C. Hullmandel

SIR ISAAC NEWTON.

From Vanderbank, at Trinity College, Cambridge.

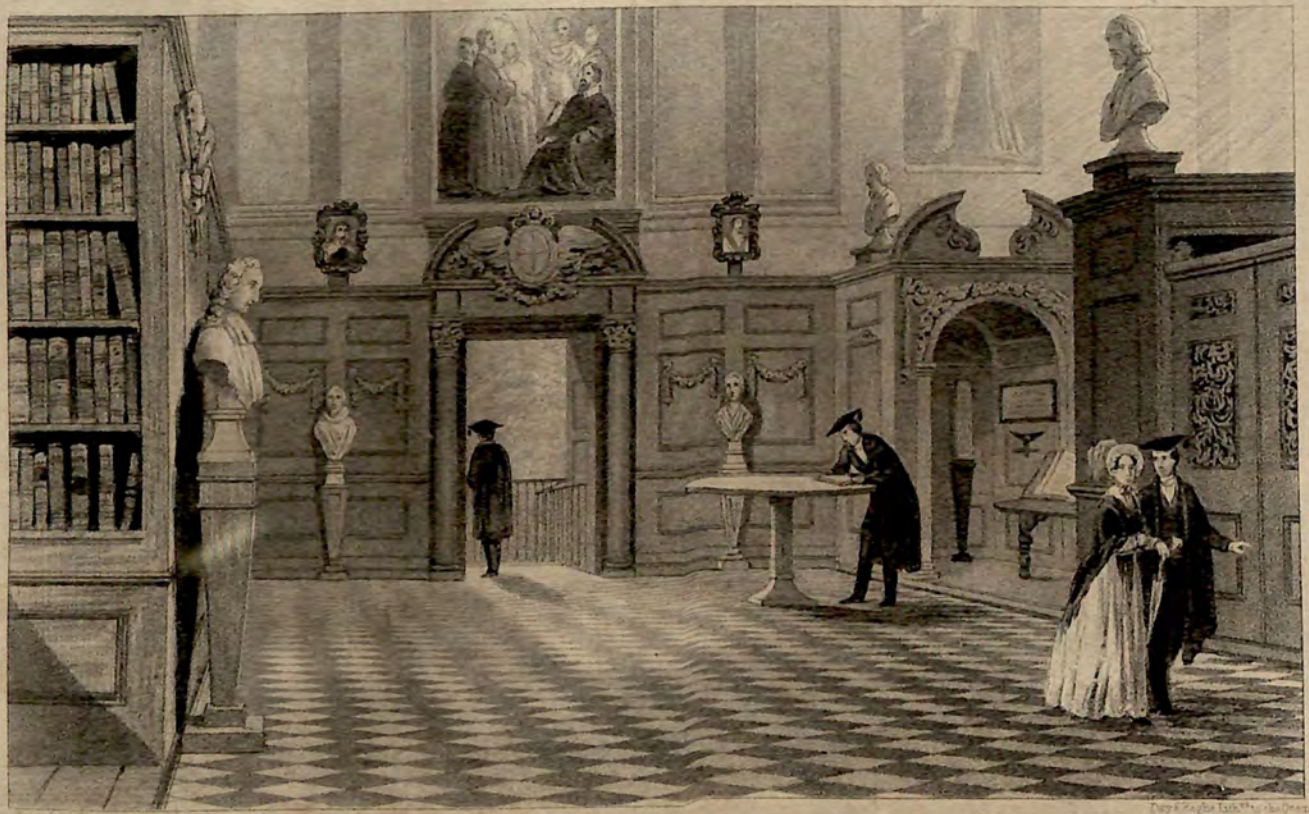
Tories. The Tories, it is true, remained almost* a century in opposition, excepting a short interval at the end of Queen Anne's reign: but their position was much more favorable than the false one of the Jacobites,— we mean, in a moral and intellectual point of view. The utter hopelessness of the Jacobite cause exposed it to a sour and corrupt fermentation, from which only the happy temperament and energies of individuals could preserve it.

The great difference of the two Universities is marked in their treatment of Locke's Philosophy. In truth it may seem to be a mere chance, that *Locke* did not occupy a glorious place in the annals of Cambridge, by the side of Newton and Bentley. His spirit certainly soon pervaded the *College* lectures, which were less fettered by statute and had a more direct influence on the private studies. How much this paved the way for Newton's agency, and prepared the academic soil and atmosphere for it, must be clear even to those who, like ourselves, do not overrate Locke's system; much more to Englishmen who look upon it as a final effort of mental philosophy. Newton undertook the Lucasian Professorship of Mathematics (in the place of Barrow) in the year 1669, and consequently before Locke appeared as an author. But many *Academic* generations must have gone by, before the Newtonian philosophy could become the

* [It is not easy to understand this computation. From the Revolution (1688) to the accession of George III. (1760) is but seventy-two years.]

common property of men of science; whilst Locke's philosophy, on account of its more popular character, found everywhere spirits ready to receive it, and was rapidly spread abroad. Newton acted on the minds of his contemporaries, not by his Academic lecturing, but through the Press; and from the difficulty of his writings, the process was slow. The same may be said of Bentley; who was Professor not of Philosophy but of Divinity, and Master of Trinity College; and, as far as my knowledge goes, never gave any lecture at all, either philological or theological. But as upon the whole the Colleges, rather than the University, managed the studies; things worked-on imperceptibly and privately, and it is only in Mathematics, that they effected any *formal* impression on the University examinations. Every thing remained in the old state: the Professorships were little more than sinecures, so that the foundation of new ones must not be rated too high*—and the academic Acts continued to be little more than mere formalities, although in both respects matters were never so bad as in Oxford. Cambridge evinced in this respect also her *Northern* tendencies: and in a long

* The following were the Professorships, founded partly by private individuals and partly by the University. Chemistry in 1702 — Astronomy and Experimental Philosophy in 1704 — Algebra in 1710 — Botany in 1724 — Anatomy in 1727 — Geology in 1727 — Astronomy and Geometry in 1729 — Theology in 1760 — Natural and Experimental Philosophy in 1783 — English Law in 1800 — and Medicine in 1800. Besides this a Royal Professorship of Modern History was founded in 1724.



TRINITY COLLEGE LIBRARY, CAMBRIDGE.

series of years, private instruction and individual industry must have produced important results; must have laid a broad basis for a peculiar cultivation and a local genius: but we can lay hold of no prominent peculiarities.

§ 319. *Cultivation of the Exact Sciences at Cambridge. Oxford begins to recover herself.*

Only the Mathematical studies at Cambridge and those in Natural Philosophy connected with them, require or admit especial mention on our parts. In these the impulse reached even the University Statutes, and introduced the germ of the system of mathematical examinations, which has since reached the highest pitch of mechanical perfection; and essentially contributed to gain for Cambridge its mathematical pre-eminence above all other institutions in the world. The name of Newton suffices to explain this preponderance of mathematics: yet we ought not to overlook the merit of his predecessor Barrow, and the earlier pre-disposition, which we mentioned, toward this branch of study.* That Bentley was not able to

* Newton may not have had this influence as *Teacher*, properly speaking, yet it was not *only* as Author that he had it: otherwise he would not have had more efficacy in Cambridge than everywhere else where his writings were read. But the esteem felt towards him, local pride of his name, his example, and his intercourse with distinguished scholars to explain the difficulties of some of his works, &c. must have been of great influence wherever he was present.

elevate the Classics to the same pitch, may be explained, both by the firm footing which Mathematics had already gained, and by his own unpleasantness and unpopularity.* While Cambridge continued in this praiseworthy path, under Newton's energetic successors, and shortly produced PORSON to take the place of Bentley; Oxford also began to break the spell of its political evil spirit, and resume its classical studies. Thus in the second half of the eighteenth century we find both the Universities upon that level of scientific, moral, and religious cultivation, upon which they upon the whole remained till about thirty years ago, when a new impulse began, the riper and permanent results of which are yet to come.

§ 320. *University Curriculum of the Eighteenth Century.*

All that was really done in this long stagnation is so simple and limited, that its general character may be given in few words. For this, we shall sketch the course of an English student, selecting one who may serve as the prevailing type of the more respectable majority.

At about the age of eighteen he left some public school, where he had been moderately grounded by

* The long and most vexatious quarrels of Bentley with his own College and with the University itself, are well known. The whole story exhibits a dark side of College and University life, without much even of novelty.

teachers, themselves educated at one of the Universities and fully imbued with its spirit. He had there been trained chiefly by exercises in prose and *in verse*, and by committing to memory passages from certain classical authors—with *selections* from whom he had become pretty well acquainted. In Mathematics also he had not got further than the mere elements. A smattering too of Ancient History and Geography had been infused into him. He was supposed to have been instructed in the essential contents of the Catechism, at home: and one or other of the Gospels, or one of the Epistles, read in the original tongue, completed his religious, or (if one will) Theological education. After a *very easy* previous examination, he was admitted as an independent* member of some College, and placed under one of the College tutors, according to his own choice or that of his parents. The University matriculation was a mere subordinate form: and for the next three or four years he belonged directly to his College. He attended daily two or at most three lectures held in College, which, according to our German ideas, appeared more like a hearing of School lessons, than a delivery of University lectures. His chief literary occupation was private study,—as a preparation for the lectures, or as a repetition,—and professedly under the direction of the tutor: and, if stimulated by ambition or by

* [That is, *not* partaking of the College funds. Probably our Author is incorrect in saying, that the student or his parents had any choice *as to the College tutors*.]

the desire of obtaining one of the Collegiate stipendiary salaries (Scholarships) or other benefices,—he became a candidate at the proper occasion, or sought to distinguish himself in the regular College examinations. The scholar's efforts, (except so far as they were volunteered and peculiar to himself,) were confined to the object of carrying farther his school studies. However, the whole works of Authors were now read, in increasing progression of difficulty; and his attention was more and more directed to the *substance* of the book, as well as to style, metre, &c. Occasional private exercises were given by the prize-subjects, the examinations, or the College-impositions. His mathematical studies went on step by step, according to the state of the science then in vogue, till they ended, at Cambridge, in Newton's "*Principia*." Among the newly added matters of instruction were, at the most, the philosophical branches of learning, Logic, Metaphysics, and Moral Philosophy. Under the official warrant of Aristotle, the [Cambridge] tutors introduced Bacon's Organum, Locke, and afterwards more especially Paley in Moral Philosophy.*

* There was no want of comments of all kinds, bad or good, upon those subjects. The greater part were always thrown aside by the generation that followed; and that did not differ much from the former. The Aldrich manuals kept their ground the longest. It might be interesting to discover why the Cartesian Philosophy, which in Cambridge at least had so many followers, was quickly driven out by Bacon and Locke. How very different might have been the intellectual growth of England had the contrary result taken place! The Statutes have been accused as the cause of the very limited extent of the philosophical studies

It would however be a great error to judge of the results by the small number of lectures and subjects. Private and individual industry, "*reading*," in fact, was considered the principal affair in this system: the instruction given was intended only as a help to this self-progress. The very expression used to designate a studious scholar — "a *reading* man," is very characteristic. It was presumed, at the same time, that the Tutors directed the choice of books, and helped to explain the difficulties in private:* and of course the extent and real value of these private studies must have depended greatly upon the Tutor. As a general rule however, the tutorial influence was employed too little rather than too much. A large majority of Tutors entirely threw aside this part of their duty, and occupied themselves solely with the pecuniary or other material affairs of their pupils. As to the rest, there was little danger of their interfering to teach too many and too various matters. The pervading corporate spirit was always inclined more to concentration, simplification and restriction. After

of the English Universities: and it is still gravely asserted, that in the oath to the Statutes people swear to confine themselves to Aristotle! The Statutes regard Aristotle only as the general groundwork, and expressly enjoin the connecting with it the study of later opinions, &c. (Stat. Acad. Ox. T. IV. sect. i.) and it would be really difficult to say what might not be included under this head.

* This however was very seldom the case: on the contrary, many scholars provided themselves for this purpose with their own "Private Tutors," every graduate obtaining the Master's permission to give private lectures for a certain salary.

a lapse of about four* years (setting aside dispensations) and after a very middling College examination had been got over in a very middling way, a great change *in form* took place in the position of the Student. He was admitted under the auspices of the College, to take part in the University studies, that is, in the *public* lectures and exercises, in order to obtain his Bachelorship in two years. But this was all a pretence, and scarcely at all promoted the progress of the student. The public lectures were either never given, or never attended: or if ever, by some rare exceptions, yet the subjects and books to be lectured upon (as directed by the Statutes) were of such a nature† and the number of hours devoted to each (according to the endowment) so few, that at the best it could be but a recapitulation of the College studies. In short, the Professorships were looked upon altogether as a "fee simple;" as sinecures in fact. The Acts ordained by the Statutes (the *responsiones* and *oppositiones*) were carried on the more negligently, and became so much the more mere formalities, because the College gave its guarantee for the maturity of its pupil.

* [Our Author's statements concerning the *years* occupied in study are in other places so questionable, that I am not able to think him correct here.]

† There has been much outcry against illiberality as to the use of the *Libraries* and other public institutions. In part it arises from the notoriously cautious spirit of the old Statutes, but it is connected also with the whole system. At the same time there is some truth in the remark, that the Students *ought not* to be allowed to have every book that they may wish for.

§ 321. *Inducements to Study held out at the Universities.*

In Cambridge, the Mathematical examinations appear alone to have been carried on with earnestness: indeed the examinations for "honors," introduced as early as the middle of last century, became so severe, that only the ablest minds could enter the list.* The publicity of these examinations, and the interest felt in the results, certainly gave a powerful excitement to ambition in the case of those who could compete for them. Another and more widely diffused stimulus, was found in the prizes which were offered, at least after the middle of the century, for compositions in prose or in verse. Independently of the prize itself, the publicity of the recitation and the augury afforded of future progress for the successful candidate, were of great effect.† The doubtful

* I cannot tell exactly at what time the so-called "Mathematical Tripos" was introduced. The Cambridge University Calendar gives lists back to the year 1739.

† The prizes in Oxford (which were founded in various ways) are given for Latin Verse, Latin Prose, English Prose, and English Verse. There are no subjects fixed by the endowment for the first three: the English Verse must be upon Ancient Art. To these have been added in more modern times two Theological prizes: in which however the talent for *composition* is decidedly more favored than *erudition*. Cambridge is much richer in prizes. We find there prizes for two Latin Essays, which are to be read at the COMMENCEMENT; and an English ode, likewise to be recited upon the same occasion: the candidates however must have taken high honors that year, in their examination for the Degree. There are four other prizes for Latin compositions; three gold medals, for Latin and Greek odes and epigrams, and one for

tendency of such means need not be considered here: but it is perhaps rather to the praise than to the blame of these regulations, that they were adapted only to a small minority.* The different "Scholarships" are also calculated to produce the same effect. In part, the system of dispensing with the statutory *Residence*, had made the students' progress dependent on their own industry alone; but where this was not the case, the responsibility fell altogether upon the *Colleges*. These studies differed from those of the earlier period only in the greater difficulty of the authors read; and the public lectures had become less important than ever, in comparison with private reading.

The Bachelorship closed the academic studies of the majority. Very many had never intended to take a higher degree, but entered at once upon their different careers in life, and broke off all connexion with the University. Others, it is true, left their names upon the College books, either from a sort of attachment (as was the case especially with

translations from passages of Shakespere, Ben Johnson, &c. in all kinds of the strangest Greek metre; two Mathematical and four Theological prizes, and one for an English religious ode. The Oxford Calendar gives all the subjects proposed since 1750: the Cambridge Calendar gives notices of the rank afterwards obtained by the "Prizemen," as learned men, or in any other manner: both these points have interest, and give curious materials for a judgment of this whole state of things.

* The lists of the Cambridge "Tripos" contain upon an average from thirty to fifty names, *i. e.* about the fortieth part of the students. The greater part of the "Prizemen" are also from the same confined circle. No one would think that the greater degree of excitement has not contributed to keep a greater degree of activity on foot in Cambridge than in Oxford.

Sam. del.t Walker lith. Day & Haghe Lith.rs to the Queen

THE VICE CHANCELLOR CONFERRING THE DEGREE OF BACHELOR OF ARTS, AT OXFORD, 1842.

the nobility) or in order to obtain the Degree of Master of Arts, or that of Doctor in one of the higher Faculties. Except where the mere honor of the Degree was sought after, its value depended on its giving access to the University Corporation and its higher offices: or in some cases, it was essential to becoming a candidate for a Fellowship, which was the key to most other permanent posts.* A regular continuation of the academic studies, even in the most limited sense, as they had been carried on till then, was not however any way requisite for that purpose. Residence itself was a mere formality: that is to say, the candidate for the Degree needed only to be present at a few formally indispensable exercises. He might have passed the intermediate time where he would; but after the lapse of the number of terms prescribed by the Statutes, nothing stood in the way of his taking his Degree with all the usual solemnities — provided, of course, that the *fees* were duly paid.

* I again repeat that in most of the Colleges the Master's Degree is by no means a *statutory* condition for the attainment of a Fellowship: yet it very seldom occurs that a Fellow is not either a Master of Arts, or about to become one. The "Senior" Fellows are for the greater part Doctors. Beyond the Universities and in common life, the Degree bestows simply a sort of social distinction. The only position in life where it is otherwise of advantage, is in the "Inns of Court;" where an "M. A." is "called to the bar" two years sooner than a not graduated member. [In the great majority of cases, candidates for Fellowships are *Bachelors*, but not yet *Masters*: in fact, to be a Master is generally a *dis*qualification. Our Author appears not to be quite rightly informed on this subject.]

§ 322. *Entire Neglect of the Studies connected with the Higher Faculties.*

As to University-study in preparation for the Degrees in the higher Faculties, it was still more out of the question: in fact, it is enough here to refer our readers to what has been said on the studies connected with the Faculties, from the Reformation to the Revolution. No essential change, and least of all any amelioration, took place in these matters in the eighteenth century. Jurists entered upon their practical career as pupils of a "special pleader" or "attorney," or, if more ambitious, became members of the legal societies of the Capital (the "Inns of Court"), in order to be called to the Bar at the usual period.* The medical aspirants were permitted by statute to enjoy the advantages of the practical medical institutions of the Capital or of other large towns, and even to visit other Universities, (this being considered as a sufficient excuse for non-residence,) and were only required to satisfy the purely formal and material obligations of their Degree, at the proper period — for which purpose, their presence for a few days in one term sufficed.† The aspirants in Divinity were left

* Nevertheless in the last century two medical Fellowships and six in common law were founded at Oxford, and one medical Fellowship at Cambridge. This could not but give some stimulus to these Faculties.

† Hence comes the expression "term-trotters;" which however, in as far as it contains a *levis notæ macula*, is properly employed only for those, who keep their terms in this fashion even before taking their Bachelor's degree.

altogether to their own impulse, and to private study. Academic life offered no stimulus whatever in this direction. An individual might aim as high as he pleased, but the University took no cognizance of his exertions: according to its standard they were supererogatory. Still the oft-recurring obligation or opportunity of preaching before the University may have given a partial stimulus to some to pursue their Theological studies, at least in the direction of the practical divinity required. In Cambridge, the Vice-chancellor designates those Bachelors of Divinity or Masters of Arts who are to preach in turn the two sermons on Sundays. In Oxford [at present]* the Heads of the Colleges and Theological Professors preach in turn: and the Vice-chancellor designates, as in Cambridge, the graduates who are to preach the afternoon sermons, and the sermons upon saints' days, feasts and other occasions. This practice *might* certainly be made

* [Our author seems to have slipt into a description of the *present* system, which began, I believe, in the year 1804. Previously, every Master of Arts who had taken priests' orders, was called to preach, in order of Seniority: but as it was often inconvenient for them to travel up to Oxford, they were allowed to find a substitute among the residents. As the substitute was paid, certain residents (especially chaplains of Colleges) looked to the office of University-preacher as a desirable addition to their little income; and the non-residents being seldom particular in the choice of their substitute, it was by no means certain that the sermon provided was even new, or if new, much the better for that. The University has since taken into its own hands the providing of substitutes, by appointing annually a body of *Select Preachers*, who take the place of those Masters who decline to preach in their turn. This system extends only to *Sundays* and to *Term*-time. The other sermons are arranged as our Author states.]

a very considerable lever for the elevation of the studies in Divinity; if the whole spirit and the demands of the Church were of a perfectly different kind to what they are.

§ 323. *Average Attainments practically connected with the Degree at the same Period.*

The average scientific result of the seven* years' course may be judged of, by considering what was required by the *Colleges*, (not by the *University*,) for the attainment of the Bachelorship in Arts. The candidate was to be well grounded in Latin, and to have a moderate acquaintance with Greek, a certain facility in speaking or writing Latin, and a knowledge rather general and elegant, than fundamental, of the commonest Classics, connected more with an ability to *quote passages*, than aught else—a rather piecemeal acquaintance with archæological and historical matters, serviceable for commenting on the separate authors — Mathematical information, slight enough at Oxford, but comprising in Cambridge the higher branches of Mathematics, Physics, and a foretaste of Astronomy — with the general Philosophical cultivation which may be gathered from a very moderate acquaintance with the more important works of the school

* [The *seven* years residence is the theoretic period for a *Master's* Degree. In point of fact, it has long been three years residence, and four years more of standing. This three years is about twenty-one months in all.]

of Bacon and Locke. Whatever was done beyond, either in the Arts or in the Faculties, was a work of supererogation.

§ 324. *The Habits of the University Youths in England, are copied from those of the Great World.*

Let us turn our attention to the moral condition of the gownsmen. All who have any acquaintance with human nature or with life in general, will take for granted, that the great majority of a body of between a thousand and* two thousand young men, very many of them richly endowed with the gifts of fortune, would endeavor and contrive to procure for themselves all the good things of this world, and whatever has greatest attractions for their age, without very strictly observing either propriety or morality. That such was here the fact, is notorious; not that we mean to attach the blame to the University itself. Authentic testimony by no means gives us to think that these pleasures or follies of youth exceeded either in extent or frequency the average to be found at other Universities, in proportion to their pecuniary means and opportunities. No comparison of the English and German Universities in this respect is reasonable;

* [Even at present, the resident Undergraduates barely exceed *one* thousand: (see Note 94 at the end:) and in the last century they were much fewer. In fact, the College buildings used to be comparatively empty; now, they are full, to overflowing, and it is often necessary to reject applicants.]

yet if the comparison be made, we can find no reason for regarding the English as more abandoned than our own. The permitted, as well as forbidden, pleasures and follies of the youth had quite *another*, but not in itself a worse character. Life in the two countries is different; and the basis of things in their Universities is different. At the German Universities, folly showed itself in the more evident form of a gay fool's dress—it was boyish, silly, sentimental, noisy or adventurous, and swaggered about in rapier and spurs. It degenerated more easily into the coarsest vulgarity: it got drunk upon brandy and beer. It had a specially academic character, and could not properly exist *in this fashion* otherwise than at a University. The secret or open societies, bound together either by clanships, natural ties, or other leagues, seriously pursuing some crazy political schemes; above all, the "point of honor," the duelling, the code of laws to which this very point of honor served as guarantee—were characteristics of the German University life and of its follies: in England it had little peculiar to itself. Sports of every kind, and then gambling, drinking, whoring, (for we call things by their right names,) and running into debt, were pursued at her Universities in about the same proportion and same manner as among gay and wealthy youths in other circles; by the greater part within certain bounds, by others out of all bounds. If these matters are commoner in Oxford than in Cambridge; and if

CAMBRIDGE UNIVERSITY STUDENTS PLAYING CRICKET, 1843

the morals of the latter University are upon the whole more simple and more severe; it results from the gownsmen being less numerous and less wealthy there than at Oxford. Even those manual amusements, which the students exercise upon their own or other *un*academic heads and limbs, (although even to the present day the old cries of "Gown" and "Town" are still heard, and might lead us to suppose that this folly was founded in history,) do not belong peculiarly or exclusively to the Universities, although perhaps carried on to a greater extent there than elsewhere. The vigorous animal spirits of the youth of England needed from time to time some *vent* of the kind in every position of life: and the prevailing habits and ideas of the day were as fond of regarding a "*row*" as the crowning joy of a night of debauch in London, or any other city of England, as in Oxford or Cambridge. The statutory strictness imposed by the University and still more by the Colleges, upon all academicians, (the symbol of which is the semi-ecclesiastical dress,) are much tighter drawn than in Germany; while beyond the reach of these local fetters, the *opulent* (at least) among the English have an unrestricted freedom of rioting, such as, by reason of our estimable police, and the caution and confinement of our domestic and social relations in Germany, we are not permitted even to conceive. It is no wonder then that folly at the English Universities should have sought to divest itself of its Academic

character, in order to partake in the general *un*-academic freedom. Why it succeeded in so doing more or less, or at all events quite enough, in spite of every Statute, would not be difficult to explain; unless we choose to make the incorruptibility of College Porters and other ministering spirits an article of faith, or suppose that the College Authorities are so wanting in good sense, as to hear and see every thing. The general result is remarkable. On the one hand, morality, propriety of conduct, every thing in fact, that is praiseworthy and permitted, assumes, under the type of the College Statutes, a peculiar form; which yet does not exclude a certain *stereotype* gaity of life and sometimes contraband excesses.* On the other hand, folly and immorality grow up and prosper in the fullest rankness *without the walls*, and do what they can to seduce the youth to their side and reduce to a minimum the scholastic or semi-monastic decorum which prevails *within*. The English Student, as soon as he has past the College threshold, or the bounds of the University, seeks

* Excesses in wine very often occurred formerly even within the walls. Oxford especially was celebrated (if so it may be called) for its old Port wine: but the vice of drinking, being now unfashionable elsewhere, is unfashionable at the Universities also. The institution of bedmakers and laundresses, who were not always *so old or ugly* as directed by the statutes, was occasionally abused in former days. But public opinion, severer discipline, and more especially an increased stimulus to intellectual exertion, have now reduced this dark spot to a minimum. What was done and is still done outside the walls, is quite another question.

Walker lith. Bucks sc.

Day & Haghe Lith^rs to the Queen

OXFORD UNIVERSITY STUDENTS, DRIVING TANDEM. 1844.

and finds every opportunity for diversion and debauchery, which the state and age of the nation offer to young or old madcaps.* Having laid aside his academic dress, like our officers in plain clothes, he appears simply as a "gentleman," according to his means. Duelling is unknown at the English Universities, and little known out of them. This in itself supersedes such a code of laws as our students have. Secret or open societies cannot exist, in face of the corporate powers of the Colleges. Beside which, the distinctions of rank, wealth, and degree are too sharply defined to allow of such institutions; the national character too little sociable and too serious; and above all, political life too public and free.

§ 325. *On the comparative morality of English and German Universities.*

At first sight it might appear, that our German follies are more harmless than those of the English Universities, precisely because the latter come nearer to the vices of the great world. Thus gambling and debauchery were, without a doubt, more frequent, especially at Oxford, than at any German University. Even duelling (except in the very worst

* Every one knows the practices carried on in the villages round about Oxford and Cambridge, and can tell that there is no want of any occasion there "to commit the oldest sins the newest kind of ways"—and whoever may not be content with that, will not meet with many difficulties in finding his way to the "great Babylon," at least in the vacations.

abuse of this practice) is, most assuredly, a less moral evil, than the rough unsocial state of feelings,* which in England renders all collision less possible, or than the very coarse manner in which unavoidable conflicts were there carried on; nevertheless when we reflect upon the actual abuse that so often occurred of the system of duelling, of the secret societies, and of the atmosphere of beer and brandy that pervaded the German Universities, we should have some difficulty in finding any very essential difference between the moral ills and corruption in the two countries. Besides, English natures are able to bear upon the whole much more than German ones, and each separate constitution like the national one,† is much more vigorous there than with us. It is impossible to deny the great advantage possessed by the English, in their academic youth not being excluded from their national sports, (one of England's‡ greatest blessings,) and the exercise of horse and hound, &c. Our German fencing schools make up but scantily for this advantage. There is no doubt that all such pleasures as these, like all other pleasures or follies in England,

* [It is not our part to controvert either facts or opinions, such as are here implied; about which, Englishmen will think for themselves.]

† I mean not only the political constitution, but still more the whole construction of social life in England.

‡ [We have no longer any national sports. Neither the long bow, nor wrestling, nor cricket, nor racing, nor swimming, nor any thing else that gives strength to the limbs and vigor to the spirit, can be habitually exercised by our townsmen, our peasantry, or by any but *the higher orders*.]

UNDER GRADUATES AND THEIR HORSES, NEAR CHRIST CHURCH OXFORD. 1841

are excessively expensive and are shut out from the poorer class of students. The consequence is that the lives of the poorer portion of the academic youth approach in reality very near to the strictness ordained by the Statutes, and consequently, *externally* at least, meet almost all their demands; whilst the pleasures of our German students are so cheap, that the very poorest may take a part in them, for evil as well as for good.

There is, however, another side of the question which we must not omit. It may appear doubtful whether this sharply defined contrast between the ascetic and monastic rigor of the Statutes, (which is an official fiction,) and the real life at the Universities, is not likely to give the follies of the English students a much more dangerous character, by imbuing them with a tint of hypocrisy,—a vice of which *we* at least have had as yet no idea whatever. In general, however, this does not appear to be the case among the academic youth themselves. Their predominant feeling is that of youthful levity, which finds the zest of its pleasures only increased by the manœuvring and trouble it costs to circumvent the antiquated restrictions of the Statutes, and does not pretend to be on that account either better or worse itself.

It is quite another matter, however, when those who have long ago been forced to abandon the excuse of youthful levity and thoughtlessness, and who now give their maturely considered testimony

to present and future generations upon such matters, — choose (although otherwise most respected and estimable writers,) to affect entire ignorance of the simple *truth*, and to speak as if the strict moral and religious tendency of the Statutes necessarily inferred a similar state of things in the realities of academic life. They admit, perhaps, that the less strict customs and forms of more modern times have suggested certain relaxations approved of by the wise Heads of the University; relaxations however, which by no means imply that the *moral* and *religious* state of the English Universities does not come very near to perfection, and offer hereby the most ample compensation for any little weaknesses that may be remarked in their state as seats of *learning*. Any comparison, consequently, with other Universities, such as those of Germany, which are looked upon as scenes of the most unbridled folly and coarse licentiousness, would be regarded by persons of this opinion as highly insulting to these sanctuaries of morality and piety.

This view of the case has become a sort of stereotype tradition and party-watchword among a certain class of Tories; but unless we suppose that, in it, much habitual self-deception and much ignorance or forgetfulness are mixed up, we cannot acquit them of what in our language could scarcely be called anything but *disgusting hypocrisy*. As it is, however, this mixture of hypocrisy and self-deception, of not seeing and not choosing to see, is a part of that

BILLIARD TABLE AT TRUMPINGTON, NEAR THE UNIVERSITY OF CAMBRIDGE, 1841.

principle, with which English life is so thoroughly imbued, a characteristic of its own, for which the English language alone has supplied the appropriate term, CANT.* It is a characteristic feature, we say, of the national physiognomy, which, in spite of all that is excellent and admirable about it, one cannot but see; and scarcely anywhere has it less excuse on the score of real ignorance, than in the department of University life. In truth, the facts which concern the moral state of the English Universities, are so notorious, that we cannot but fancy that these University panegyrists must meet each other in their confidential moments, with the like inability to preserve their gravity, as the Roman Augurs of old.

From the same impure source, however, proceeded other manifestations with which we agree just as little as with the former. We allude to the bitter lamentations as to the immorality of University-life in England, that one hears on all sides, but more particularly from those who have always proved themselves the adversaries of the Universities, or at least of the ruling party there. And this censure ought to be rejected as *cant*, no less than the phrase of which we have been speaking. Our own sincere conviction, founded, as it has been, upon the most conscientious investigation, and mature reflection; devoid also as it is of every prejudice or consideration foreign to the matter; is,

* See Note (95) at the end.

that upon an average, and setting aside a few periods of very short duration, the immorality and folly at the English Universities is not greater than, considering the whole state of the nation, must be resonably calculated on, as the price paid for the developement of character. It is the unavoidable loss by chips and splinters, sustained by the native block,* in hewing it up for service: it is an evil, but a necessary evil, and as such, not to be groaned over.

I rest however here in professing my conviction of the fact, that—whatever is, or ought to be, the power of the English Tutor—the real moral difference between the English and the German Universities is not worth talking of. The *kind* of excesses is not the same; and *within the walls* of the College a fairer outside is kept up than with us: but this is a very minor consideration. Looking first to the theory of the Statutes, and then to the facts of the case, we are forced to pronounce the English system a mere pretence. Folly contrives to run its career in spite of system and statutes.

The *real* system is in fact the same in both countries; namely, it consists in granting a high degree of freedom for the developement of character: the breaking-up of the University into Colleges does but put difficulties in the way of this freedom, without

* This simile, imperfect as it may be, must serve to explain my opinions on this important question. As to the whole matter, I may farther refer to what Leo has said in his usual bold manner; in his well known work against Diesterweg.

effectually hindering it. To set forth a picture of the state of things, let us conceive a strong rigid line of Gothic building, which for a long time has served for little else than to foster in its crevices a rank vegetation which envelopes it. Without the support of the old masonry, the fresh vegetable life would fall to rubbish and decay; and yet the two things are wholly heterogeneous, and the more recent accretion is the predominating element. Such is the modern practice of the English Universities, which has grown upon and adheres to the ancient Statutory system.

We need not enter into farther detail, to show that the plan of dwelling together within the walls of a single building, coupled with the costume prescribed by the Statutes, and all the ceremonies of University and College-life — (as far as any weight is laid upon these positive external observances —) must necessarily produce a different, more severe, and more dignified *external* appearance, than is to be found in German University-life. This however is not the essential part of the moral life of a University; and besides, it is as much connected with the national peculiarities which we have pointed out above, as with local academic causes.

§ 326. *Religious State of the Universities during the Eighteenth Century.*

The religious state of the Universities during the last century appears much more unfavorable: in fact there is no doubt that they were the principal source of the evils under which the Church of England suffered so severely and so long. In particular I must point to that indifference to the fundamental truths of Christianity, which is the more fatal, when concealed beneath an external legally established formality, or a coarse zeal for the political and pecuniary interests of the Church. It would probably be a difficult task to determine, which was most to blame in this, the University or the Church: for they operate one upon the other, for evil as well as good. We need not here inquire whether the fault lay in the Statutes, in the system in itself, or in the manner of enforcement; in want of perception, in want of proper feelings, or in weakness; nor whether the compulsory daily attendance at divine service in the College could *ever* produce better results, even if every thing were done in as edifying a way as was required or permitted by the Church service. Anyhow, no well-informed or unprejudiced person doubts the *fact*, (little as the best-informed may be inclined to admit it,) that the result of this system is so much the worse, the more severely the letter of the Statutes respecting Chapel-attendance is

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CHAPEL SERVICE ON SUNDAY EVENING.

at Trinity College, Cambridge. (1842).

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enforced by the Colleges.* All unprejudiced persons combine to give the most melancholy and fearful picture of this side of University-life: and we do not hesitate to alledge, that the daily Church-service, —in its effects on the disposition and behaviour of a great majority of the persons present,— was a proceeding altogether scandalous, that could not but have the most injurious effect upon the religious education of the youth.

Nor was there any counter-influence to be derived from the vigorous effect of religious instruction of a scientific character; for the theological studies were completely null. Throughout the philosophy of Locke reigns a spirit antipathetical to positive Christianity, as far as the latter is essentially of a mystical nature: and the honest effort of Paley and similar writers to unite both, can only confuse all notions and convictions upon the subject, and blunt them down into a deadened mass of semi-truths and self-deceptions, false understanding and false feeling. In a word, this fountain-head of the religious education of the Universities, from its very nature, could do nothing but beget and foster a superficial conceited indifference, and an abhorrence and contempt of all religious excitement, and of every form of religious life which showed the least trace of — what was denominated by the prevailing opinions and feelings of the day —

* The most frequent punishments are those for non-attendance in Chapel and for ill-conduct there.

"Enthusiasm;" a designation which was thought at once to stamp it with opprobrium.*

§ 327. *Principle of Judgment concerning the English Universities of the Eighteenth Century.*

None but an unfavorable picture of the English Universities during so long a period of time, could be drawn, if it were necessary to judge them by a German standard. But this we have no right to do: and we can judge of the value or deficiencies of these institutions only with reference to the end proposed by themselves, and to the ideas of the age. There exists, undoubtedly, an absolute standard for all things: but until we have seen this idea actually embodied somewhere, each concrete being must stand alone and be judged independently. It cannot be said, certainly, that this supreme idea has been perfectly realised in our German Universities,

* We find instances of persecutions against the Methodists and other religious sects of the same kind, both in Oxford and in Cambridge, during the course of the eighteenth century, without any other objection being raised against them than precisely this failing and tendency. It would be superfluous for me to enter into details upon the subject. Several affairs of this kind which took place in Oxford between the years 1770–1780 made a great deal of noise at the time. See the accounts given in the newspapers and pamphlets of the day. These partial instances of reactionary feeling do not weigh much in the balance: indeed, in order to see to what an extent the most empty rationalism prevailed among the better educated classes, under the thin veil of Christian and Church formalities, we need only study the literature of the day, and remark the further and freer developement, in our age, of the tendencies that at the time were more reserved. Pope is the poetical expression of the *real* religious convictions of the eighteenth century.

although they may have stood higher in a truly intellectual sense, than all non-Germanic institutions of the kind:—nor has the nineteenth century realised it, great as has been the start which it has gained upon the eighteenth.

In the national opinion, the destination of the English Universities is *not* to form Professsional men or State officials. This fact* once admitted, it can be no reproach to the English Universities, that they scarcely possessed or offered the very scantiest means for the studies in *Law*, *Medicine*, and *Divinity*, or for the foundations of the science of *State Economy*. The Philological and Mathematical branches appear to be the only exception, inasmuch as the Universities offer every means for rendering those who devote themselves to these two branches, *real and most learned schoolmasters*. There is no want of persons who make use of these advantages: yet nothing results of it but a certain circle of movement, which begins and ends at the University, and is confined to this limited range. These schoolmasters and their schools form, to a certain extent, a part of the Academic organization; as preparatory institutions, from which they derive fresh streams of pupils, a part of whom again flow back to the schools, as teachers. Yet these form but a very small part of the academic youth; and we

* [Our Author is here supposing the English of the last century to have troubled their heads about the *idea* of a University. On the contrary, they judged what to expect of their Universities, by experience only.]

come back to the question;—what do the Universities make of the materials confided to them, if they form neither Pleaders, nor Physicians, nor Lawyers, nor Judges, nor Statesmen, nor Historians, nor Oriental Linguists, nor Botanists—in short, nothing of what is, or is thought, "*anything*" either with us or elsewhere?

Our Universities produced learned men in the several sciences, or men for practical life; the latter of whom were either aspirants after official station, or intended to employ themselves as physicians or advocates. Nor is the case altered now, except that the general desire of University education has, on the whole, increased. To study from the love of knowledge, was generally out of the question on account of the prevailing poverty of the Germans: and even among the higher classes such an idea was very seldom entertained. The standard at the Universities was, it is true, a somewhat elevated one, and comprised a liberal cultivation of taste; but a person of family, who had not an eye, in pursuing his studies, to State service, was always a rarity. The English Universities, on the contrary, content themselves with producing the first and most distinctive flower of the national life, *a well-educated "Gentleman."* I cannot enter into any exact definition of the old English Gentleman: but I hope that no one need be offended, by my saying that *we* have nothing of the kind. A Gentleman must possess a political character, an

independent and public position, or at least the right of assuming it. He must farther have average opulence, with landed property either of his own or in the family; a condition not very easy to be fulfilled among us. He should also have bodily activity and strength, unattainable by our sedentary life in public offices. The race of English Gentlemen certainly presents, or rather did present, an appearance of manly vigor and form, not elsewhere to be found among an equal number of persons. No other nation produces the stock; and in England itself it has already been much deteriorated. What comes nearest to the English Gentleman (strange to say,) is, the Castilian *Cavallero*.

It does not follow that the University course was *sufficient* or *essential* to form the Gentleman: but it was a decisive *presumption* in any man's favor, and, as it were, his final stamp. A "liberal education," such as could scarcely be obtained, but at the Universities, was, at all events, requisite for a perfect Gentleman: not to the exclusion, however, of other requisites, such as birth, wealth, and position. What was meant by a "liberal education" might be perhaps best characterized and explained by the analogous Roman expression.* The cultivation of the faculties was more thought of than the amount

* And this would certainly not be the only analogy that might be found between aristocratic Rome and (under a monarchical form) equally aristocratic England. It is certainly one of the narrowest and most perverted views, to say that the English are a people of shopkeepers.

of knowledge acquired; and was rather elegant, in the best Roman sense, than learned in a modern sense. We scarcely need add, that even during the University residence the studies were by no means the only thing that brought about this result. A complicated machinery of reciprocal influences lies in the manners, habits, and other relations peculiar to the English College life, bearing upon the education of the youth, and the developement of their feelings and characters.

§ 328. *Political Side of the Universities.*

There is also to these matters a political side; through the reciprocal operation of the Universities and of the aristocracy of *Old* England. She possesses a thousand local centres of aristocratic influence; the more powerful attracting the weaker: and in these is embraced her whole social life, moral and material, local, individual, and general. Our native German* has no words to express the sort of influence of which I speak; and we must use the English term *interest*. Every complicated political condition presents *similar* points; at least, either the first germ or their remains: but a difference of degree, when very great, amounts to a difference in kind. With *us*, every *interest*, like every thing else, is merged in the STATE — that

* The term *Dependents* Klientel would convey too much the idea of a legal union between the parties.

idol of false worship, tending to the dominion of egotism in its worst form. But I well know also how many mortal weaknesses, and *much worse*, glide along the under-currents of English interest. The contrast however of the two countries lies herein; that what with us stands absolutely and alone as "State," is in England only "*primum inter paria*" as "Crown." The "Crown interest" in fact, is nothing but the highest, most extended, richest, and most powerful among many similar interests, which, beside their motion around their own centres, are all attracted, more or less, by this central Sun. True it is, that *patronage* rather than *interest* is said of the Crown; but it is all one. Moreover, under the term Aristocratic interest, I include that of Corporations. All who understand England know that the "Aristocracy" comprises not only the peerage, but also the gentry, the nucleus and summit of which are the Peers, and the King as the first Gentleman of the land. Now two Corporations, which, with their Colleges, are among the richest of the land, of necessity are the centre of a widely-spreading interest. But beside their riches, they are equally pre-eminent as to the rank and number of their members. For if we include, as we ought, all the members *on the books*, (excluding those who only once belonged to the University,) we find the numbers to be not less than three thousand in Oxford, and nearly as many at Cambridge, among whom are some hundreds of

the most celebrated or most exalted personages in the kingdom, clerical and lay. In fact, a glance at the University Calendars may convince us that in all the world one cannot be in better company than "on the books" of one of the larger Oxford or Cambridge Colleges. Moreover, since each College is in a pecuniary sense singly independent, it has its own separate circle of interest, subordinate to that of the University as a whole. At a time also when there was scarcely an Englishman of note, in social, political, scientific, or literary life, but was connected with one of the Universities at least by remembrances and attachment, the influence of these bodies over the higher aristocracy was yet more decided and widely spread.

§ 329. *Great Permanency of Interest felt by old Pupils, in the welfare of the English Universities.*

It may be said, that similar relations subsist between *our* Universities and our higher circles of society. But how few there are of *us*, who permanently retain the sympathies of their University-life! how much more inclined are our countrymen to regard their academic residence as a contrast to their after-career; if they still think of it seriously at all, and not as a mere source of amusing recollection. These facts are easy to be explained, and at all events, cannot be denied: how far our Universities are the cause of this, and how far society at

large, we do not say. It will be perceived, however, that our Professors are the only permanent part of our Universities. The students are there only for three or four years, without distinctly recognising the University as a whole, or themselves as a part of it. In England, on the contrary, the Professors come forward but little as such: and the Students are led, at least much more than in Germany, to take part in the corporate existence of the University itself, as well as of the Colleges. For although, before they attain the Master's Degree, their part is but a passive one, yet so many are the hopes in prospect, such too are the rights attached to the Degree, so numerous are the inducements connected with the University career, such is the external appearance of the Corporation, so great is the impression which the very towers and walls make upon sensitive natures; that a University-spirit is generated, which remains even after all outward relations with the *Foster-Mother* have been broken off.

But this is not all. A point of great importance lies in the *Fellowships*. The body of Fellows comprises from two to three hundred men, who pass several years, and sometimes their whole lives, at the University, in a position of great respectability, even externally, and in whose sentiment and cultivation the real support of the corporate spirit is found. The man, who has passed from a Fellowship to some other station beyond the University,

(as is the case with very many of the most distinguished men of the land, especially among ecclesiastics,) naturally remains more nearly allied in feelings and spirit to the Corporation, than is at all imaginable, from merely attending, in our fashion, a three or four years' course of leetures. Moreover, through the hope of a Fellowship, two or three times as many students as on our plan could be expected, connect themselves* intimately with the corporate existence. Each University is thus the heart of a widely spread circulation: and although the connection with it is always indirect, through the medium of the Colleges, that does not affect the general result.

§ 330. *On the Uselessness imputed to the College-Fellows.*

This institution of Fellowships however, it has been the pleasure of certain persons to place in a very ideal light: as though they were meant to secure to learned men *the dignified ease* so desirable for the promotion of literary activity. This literary activity is then interpreted according to German notions, as though it consisted in giving public courses of lectures or at least in writing books. We have seen however that scarcely a tenth part of the

* [This expression seems to mean, *take their Master's Degree.* It would however be more accurate to say, *take their* BACHELOR'S *Degree in hope of a Fellowship.*]

Fellows are University Professors, and that of these, few deliver effective public lectures; while, in the Colleges also the Tutor's office employs but few. Authorship also was not a matter ever undertaken, or at most in a very casual and negligent manner, among the circle of College Fellows. At all events the idea is never entertained among them, that to sustain the reputation of learning and ability, or in order *to live*, a man must write book after book. No doubt, they have just as little idea of that consuming, but at the same time creating, fire of knowledge, which, without any external motive, restlessly thrusts aside and throws down every *result*, as something finished and done with, and as a hindrance to further endeavors. Looking upon the peculiar circumstances and exigencies of this position, in as impartial and free a manner as one may, it is impossible to deny, that this sort of *dignity* was very apt to interpret the *ease* literally, and to enjoy its learned existence as it found it, without any activity in forwarding its ends.* Whether the industry and study of which we have every right to boast over all other nations, our conscientious love of the matter itself, (without any consideration as to the world and

* We must not suppose however that the position of a Fellow, if he has nothing but his Fellowship, is a very splendid one. With an income, varying from £100 to £400 a year, together with free board and lodging, an unmarried man may certainly contrive to live in England: but few would be able to content themselves with it as the final end and aim of their career in life.

what the world can give,) is in some way allied to our poverty, might bear discussion: at all events, literary *labor* [das Arbeiten] in our sense, is known to learned Englishmen scarcely by hearsay. To deduce however from this entire want of ostensible product, that intellect finds no place by the side of material interests; and that these institutions are, if possible, still worse bestowed in their present hands, than the wealth of the Middle Ages in the bellies of the lazy Monks; betrays either a total ignorance of England, or the coarsest party feeling. We must not forget that from the individual freedom of England, personal relations and personal contact come into play far more there than with us: while the book-world falls relatively into the back ground.* So too, in an accomplished man, more is made of *sentiments* and *position* than with us; and these make up for many deficiencies of a purely intellectual kind. In order to obtain a certain consideration, a man does not need to have written a big book or books, provided he be favored by circumstances in other respects. So that even if we were to admit that the Fellows are far too *comfortable* ever to attain European, or even English reputation as authors; yet more, that they are generally drones with mean talents and meaner acquirements; it would not follow, that in a political aspect, and viewed in a mass, by their

* Unless indeed newspaper articles and pamphlets be supposed to come nearer to the "living word."

external advantages as supporters of the University Interest, they are not an important moral force [geiſtige Macht].

§ 331. *The Universities as Doors of Entrance into Aristocratic Society.*

Once more: the Universities bring together, for some years at least, in the relations of acquaintance or friendship, the rising generation of Patrons and Clients; that is, as far as the latter are gentlemen. The chief importance of this, lies, in its opening a door for the entrance of select democratic elements into the aristocratic circles: hereby eminently benefiting the latter by the infusion of fresh blood. Indeed, owing to the great number of stipendiary posts called *scholarships*, many even poor students have always been able to gain access to the University: yet it is a popular error to overrate the expensiveness of English academic education. I am able to prove on the very best authority, that in the last century a young man, without the aid of a scholarship, could live respectably even at the larger Colleges in Oxford for a sum varying from £50 to £100 a year. Certainly the average expence was actually higher, varying from £150 to £200; and many young spendthrifts contrived to squander thousands. This however is but the result of misusing that freedom, which, as I have argued above, is *necessary* for the developement of character:

moreover, (so large are the powers of the College authorities,) in the rare cases of the very worst excesses of prodigality, the fault is to be laid, not on the general system of the Universities, but on the connivance of Tutors. At the present day, I have no reason to believe the *necessary* expences to be much higher than they were.* Be this as it may, the two Universities used to be the *ordinary* path of introduction to the higher circles: in fact, every one who had partaken in University education, was looked upon as a Gentleman, whatever might be his after-career and ultimate station; whether Attorney or Lord Chancellor, Curate or Archbishop, Schoolmaster or Head of a College. This station depended partly, it is true, upon personal merit, but still more upon those interests, the threads of which had been first woven at the University.

Many an indigent young man, it is true, possibly forms a very exaggerated idea of the advantages to

* It is open to discussion, whether it be really *desirable* to lower the expences yet farther: which however has been attempted at London and other Universities. [As regards the *minimum* expence of an Oxford education at present, the following fact is a pretty good clue. There is or lately was a private society at Bristol, which for a long time has sent pious young men to Oxford with a view to their being ordained as ministers of the Church: and I have been told on excellent authority, that they allow them £140 a year, which, at one of the cheaper Colleges, is found sufficient barely to enable them to keep up a respectable appearance, without luxury. It must be remembered that the vacations are full five months of the year, so that this £140 is in fact the expence of seven months living with a student's necessary expences. Three such years of residence precede the Bachelor's degree, beside the fees and dues for the fourth nominal year.]

be derived at the University from some friend who shall become his patron; and builds up hopes which can only lead to the bitterest disappointment. But still it is a well known fact that the different interests connecting the grown-up generation have been very generally linked at the Universities. Not that in all this the differences of rank are obliterated, as used to happen to so great a degree at our German Universities. On the contrary, (as we have already seen,) all the distinctions of society were sharply marked, and more especially in the Statutes and the arrangements of the Colleges: yet never so as to prevent constant intercourse between those who desired it. Hence the relations, even between clients and patrons, bear the same stamp, as afterwards in society at large. And when we reflect how much public life in old England, was based upon independent corporations, under more or less ancient forms, and that in *this* respect the Universities were no isolated anomaly; we see how truly they were, (as often before remarked,) a microcosm: whether the result was statutory and avowed, or wrought out instinctively by the parties concerned, under the auspices of the *genius loci*. How different was *our* academic freedom! an ideal state, in contradiction to the realities of after-life. Truly, human nature, even in Germany, could not go on without some kind of freedom; and *this* was a tribute or acknowledgment once for all paid to her. It is indeed notorious, that, in numerous

instances, those who as youths most misused this freedom among us, have afterwards become the most useful elements or efficient props of society in its tamest state.

A lover of paradoxes might argue, that the unconstraint* of the German Universities was the best school of preparation for our constrained German world, and the constraint of the English Universities for English freedom. Only it must be seen, that the constraint in the latter case consisted, not in the severe discipline of the Statutes, but in the fact, that the great world, of society without, overtopped the academic world in freedom. On the similarity of the two may seem to turn the whole question of University discipline and morality. If sin there be in the age, the Universities must make up their minds to be the sin-bearer [scapegoat]: for the age has all along resolved to assimilate them to itself.

§ 332. *Task undertaken and performed by the English Universities.*

That the Universities have a political side of peculiar importance, has resulted mainly from the political station held by an English Gentleman. And now we see what their task was: — to retain

* The *political* tendencies displayed in our University freedom are too recent in time to enter into our subject here.

within themselves the two* great aristocratical parties, between which England was then divided, and foster both alike. Yet it cannot be overlooked, nor will it surprise any one, that they felt far closer affinity to the Tories than to the Whigs. The *Alma Mater* was well pleased to receive Whigs into her bosom and return them to the world unconverted, provided that all the other conditions of a Gentleman met in them: but her joy and her pride was always the race of Tories, and it is well known that her efforts to increase their numbers were not unsuccessful. In fact, we might sum up our considerations upon this subject, in the following terms: — The desire† and resolve of the English Universities, is, to form at all events Gentlemen, *only* Gentlemen, but most of all, Tory Gentlemen.

This once understood and admitted, the next question is as to the *value* of this Product. But what standard are we to apply to it? Regarding it from our own [German] point of view, we ask how a State could exist, whose greatest institutions for education produced nothing but these "Gentlemen;" respectable persons perhaps, but upon an average, knowing little more when they left the University than our German youth when they enter it. To this, the English Universities were able to reply, (in the spirit of old England,) — that the

* For even of the Whigs very few at that time were hindered by their political principles from taking the test-oaths in support of the Anglican Church.

† [wollen und sollen.]

Gentleman, as they educated him, was the indispensable foundation of every learned or practical education of value: that it would be impossible for *them* to give this, without hampering and endangering their principal end and aim, that is to say, the formation of the "Gentleman:" — that they were the less called upon so to do, as there were plenty of other opportunities for the Gentleman they had formed, to perfect himself in any special province he wished: that they had promoted his future progress by the broad and rich foundation they had laid in his mind; and to do more, would be an unbecoming and useless "meddling overmuch:" — that to compel professional studies would be an inadmissible restriction of a Gentleman's freedom: that it was a pupil's own affair, if afterwards he wished to be Lawyer, Physician, or Divine, as he alone had to expect from it honor or shame. Should it be replied, that their Statutes were, according to this, for the greater part illusory; it might be justly retorted that they would become still more illusory and more complicated, by attempting the innovation suggested.

§ 333. *England was wholly without such Institutions as the Germans look for in Universities.*

But *where* were these Gentleman to receive their farther education? No *Institutions*, using the word strictly, existed for this; yet, in a practical point of

view, but little deficiency was felt. For the Physician, there were the great* Medical Hospitals;—for the Soldier, the great Military† Schools at Woolwich, and a few† smaller ones of the same kind at Sandhurst, Chelsea, Plymouth, &c.; and, finally, the establishment for the education of officers,† both for the civil and military service of the East Indian Company, at Hayleybury and Adliscombe. The theological seminaries of the Dissenters cannot be taken into account here, since they were of necessity inapplicable to supply defects of the Universities to University-men. As for the "Inns of Courts," no one even in joke could have set them up as Law Schools in our sense. We may, therefore, safely assert, that England nowhere afforded compensation for these deficiencies of the English Universities, and for what among us is thought the special business of a University.

Were now the result such as a German would

* In some of the great Hospitals, especially in London, not only are clinical demonstrations given, but regular courses of lectures are held upon the different practical branches of medicine. Twenty-four lectures are also given in Surgeons' Hall, generally before a very mixed auditory; by which a clever, experienced and learned Physician or Surgeon might no doubt profit. The celebrated *Hunter's* collection is too little accessible to be put forward as an institution for general medical instruction. The Corporation of Apothecaries has made some weak attempts at giving Botanical lectures. We may be allowed also, on account of its extreme perfection, to mention the admirable Veterinary College in Camden Town, which was erected in 1791, and admits of from thirty to forty pupils.

† [These are not for the instruction of Gentlemen who have passed through a University course, but for younger lads.]

dread and confidently expect, not a word more could be said. Making allowance for the over-valuation of self, in which the English indulge to a greater extent, and with a greater simplicity of self-conviction, than any other people, evidence enough still remains, and it is a well-known fact of modern history, that as to real results, England stands as high as any other country. During the eighteenth century and the first fifteen years of the nineteenth, (for the period of which we are now speaking goes as far,) England had *at least* as many well-known, celebrated, meritorious, and practically useful men, in every department of the highest cultivation, as any other country during the same period. Without disrespect to my native Germany, I decline to discuss the relative stature of the few great forms, which tower, here and there, so far above the multitude, as to proclaim themselves a race of heroes. Institutions cannot beget genius; nor can we deduce any standard from such rarities. Moreover, the intellectual harvest in each country must be estimated, not by the produce of one field, but by that of its whole surface: and we must avoid also to confound different periods. In that intellectual universality which can alone fulfil the *highest* calling in learning, the German nation (justly, as I feel convinced) claims pre-eminence: but although we may, upon the whole and in the mass, maintain an intellectual supremacy; yet we must not forget that this lofty station of ours was not achieved or was

not very prominent before the end of the great political catastrophe which closed the eighteenth century and commenced the nineteenth. Even during the first ten years of this century such pretensions would have been very justly set down as ungrounded, though, thirty years later, an impartial inquirer could not avoid to recognize their truth. It may be here uncertain, how far we have to deal with the memorials of some few more eminent spirits, and how far with a general intellectual diffusion. But certainly in the last century, it never occurred to any one to ascribe to our Philosophers, Linguists, Archæologians, Historians, Theologians, Medical and Legal men of learning, that precedence above the English, which ought necessarily to have been accorded them, if the two parties were to have been judged by their University curriculum, and the programmes of other learned institutions. In good-natured ignorance, we were so long accustomed to admit a vast superiority in the public life of England, that it is now hard to avoid the opposite extreme. This might seem to be a step towards a less one-sided estimate, did not many of us now so over-value our own State-management, intensely contrasted as it is to that of England. This over-valuation, moreover, is not always simple and sincere: full of boundless self-conceit, it refuses to be excused as ignorant, and brings on itself the imputation of conscious falsehood. Whatever faith we may put in those who vaunt to us the wonders

of Absolutism in the STATE, it must be allowed that the invention is modern,* and that in an earlier period, England, to judge by its national condition and its national deeds, was well able to enter the lists with every State upon the Continent. Matters were carried on in a peculiar way: but they went on very well; nor was there even want of a certain degree of prosperity, fame, and such like desirable things. In a word, England had not only her Divines, eminent Physicians, celebrated Jurists, &c.; but she had her Officers of State and even *Statesmen* as well as we; although she had no lectures in Theology, none in Law, few in Medicine, and none whatever in State Policy or Political Economy to form them!

§ 334. *On the Instruction sought for as Supplementary to that given at the Universities.*

Are we then to suppose that the Gentleman *as*

* [It is apprehended that our Author here means something more than a mere protest against Despotism, in the spirit of English Whiggery. He could not call Despotism, *a modern invention*. In various other parts of his work, he speaks against the *prevalent* IDEA of The State, as a comprehensive and all-absorbing power, such as Aristotle and many of our Author's countrymen would make it to be. He appears to me to mean, (but of this the reader must judge,) that society should go on under various co-ordinate moving powers of which the State is one, the Church another, various Scientific Corporations and Organized bodies or Orders, so many more. But according to many Greek and German philosophers, the collection of all these together makes THE STATE, which is a single ruling principle; *so that the more perfect is centralization*, cæteris paribus, *the more perfect is government*.]

such was qualified, without any further studies, to undertake any or every practical profession at will? In truth, this seems nearly to have been the opinion of England at that time. As for the learned Professions, it was admitted, it is true, that for *them* a Gentleman needed farther study: but at all events a residence at Paris or Edinburgh made him a Physician: and such was the only fixed course of study beyond that for the Bachelorship in Arts: and we have already seen to how great a degree there also the Voluntary system predominated.* On the efficacy of private studies for higher education, we must decide by the results: and these, we have seen, are certainly not to be despised. They show that other means, beside those of an academic† apparatus, may be available for an equally great mass of scientific instruction. Not that *we* could do without this apparatus: *we* have no materials for producing a race of Gentlemen. The union of the intellectual and social qualities with pecuniary

* No one would seriously appeal to attorneys' clerks, surgeons' pupils, or apothecaries' apprentices, as examples of persons pursuing studies in Law, Medicine, Pharmacy, Chemistry and Botany. This would be, to confound science with mere handicraft occupation. The examination and granting of the licence for Physicians, Surgeons and Apothecaries by their respective Corporations (Colleges, Halls) in London, has all the character of the granting the freedom of a trade.

† It may be said that German men of learning also are indebted for a great part of their knowledge and their works to private study. This is true: but, both in the general classical studies and in each distinct department or faculty, the foundation is laid (with very few exceptions) at the University: and even the further developement is connected in most cases with academic causes.

independence, is that which fosters private study. In England there is an extraordinary number of learned men who are *not* Authors: in fact, the mainstream of authorship by no means coincides with the mainstream of learning, although the two may occasionally run together. In Germany that would be a rare exception, which in England used to be the rule. — At the same time, it was hard for the English Gentleman of learning to get rid of the character of the Dilettante, that is to say, entirely to renounce the most manifold and various relations with the world. Exceptions we need not notice.*

In English political life the "Gentleman" is still more prominent. The old established opinion was, seriously, that after receiving a *liberal, i. e.* a University education, he was fitted, except in mere technicalities, for every office in the State, and qualified for every part in the political drama; — proportionately of course to his natural talents, and the *interest* employed to push him forward, but without any further *school,* than that of life itself. Even for the attainment of *practical divinity* and for filling every post in the Church — (in the *dominant* Church at least) — no other school was required than this. The advantageous results

* Much has been said lately upon the "liberal" side respecting the want of support and acknowledgment on the part of the State towards talent and merit, often left in a state of want. Setting aside some few exceptions, at an earlier period talent was much less in want of support in England than elsewhere; most of the men of learning were Gentlemen as to pecuniary means.

derived from private studies in divinity, were, it is true, fully acknowledged and respected: they served in conjunction with the qualifications of the "Gentleman," as an *additional* recommendation, more particularly for dignified clergymen; but they were by no means indispensable. If any of my readers hesitate to receive what I here advance, I beg to refer them to Küttner's admirable work for fuller information and evidence. He gives a very just account of the *best* side of this state of things, when he says: "Sound common sense, a knowledge of the world and of mankind, respectability and dignity of manner, with an understanding of the rules and ordinances of the Church, are looked upon as the best *Pastoral* Theology." The literature *necessary* for the dignified clergyman, was only the New Testament in the original tongue, the Old Testament in a translation with a Commentary, some Exposition of the Thirty-nine Articles, a few popular Theological works, and some few collections of Sermons. This "knowledge of the world" was moreover only too often interpreted, attained and enjoyed in a different and not always very reputable sense, and led to sheer worldliness of the very worst kind.

§ 335. *Exclusion of Dissidents from the English Universities.*

But we may now ask, what was done about the *Dissenting* population of England? The English Universities would have replied, (rather roughly to the ear,)—"We have nothing whatever to do with these people: we do not know what right they have at all to intellectual cultivation: at all events it is their own business, and they may help themselves as best they can. The State can do very well without them, and would do better never at all to employ them. The Church can but be glad at everything that weakens them, in intellect or in outward things. Learning can do very well without them; or, if some of them attain literary distinction,—that proves that they can get on alone. Besides, little as we want them, they are perfectly welcome to take part in our *studies*, if they will be content without meddling in our concerns." Such language is that of an ecclesiastico-political PARTY, and not that of humanity: and, *without discussing the right or wrong of the question* on moral grounds, we shall view it only historically and statistically.

The number of decided and avowed Dissenters in England was but small in proportion to the adherents of the Episcopal Church: and by far the greater part of them did not belong to classes which could desire an education of the higher order, or could mix in public life. The few, who pretended

to such a position, were enabled by their pecuniary means to attain, either privately or abroad, an equal degree of cultivation. Though the English Universities were not unconditionally closed upon them, there could be no great temptation to profit by so cramped a tolerance.* Thus most of the Dissenters, from their position in society, did not wish for a *liberal education;* and even those who entered one of the *liberal professions* (in a legal, or medical capacity) seldom went farther than the handicraft part of the profession. Their theological education was provided up to their demands, by their own Seminaries, founded partly at the cost of the whole community or sect, and partly by private enterprise.

As for the sister kingdoms of Ireland and Scotland, it is well known that the position of the ecclesiastical parties there is perfectly different, and that in many ways it has a counter-influence upon England. This however concerns the Universities but little. The Irish Catholics were excluded from political station, in the first place, for being Catholics, and in the second, by their† almost universal want of property. Few aspired to a superior education, and fewer still looked to Oxford, Cambridge,

* Dissenters may become pensioners of a College [at Cambridge] and attend private or public lectures: but after all they are only strangers. They have no prospect before them of attaining the Degree and therefore cannot enjoy the University rights.

† [There was more than one *reason* for their want of property.]

or even to Dublin College, and preferred visiting the superior Catholic or tolerant institutions abroad. For their priests they had also educationary establishments in Ireland itself, as, the well-known and justly celebrated College* at Maynooth.

The Scotch Presbyterians, although occasionally higher in English State Offices than genuine Englishmen may have approved, did not complain that the English Universities were inaccessible or insufficient. Their own Universities offered them, (in their own opinion at least,) *better*, as well as *nearer* aids for that education, which they needed for successful competition with their Southern brethren. Oxford and Cambridge, it is true, gave the Scotch Universities very plainly to understand, that they looked neither upon the classical education, nor upon anything else belonging to the formation of "the Gentleman," given on the other side of the Tweed, as in any degree approaching to the same rank as their own: and would by no means allow, that the professional studies in which Edinburgh boasted, could make up for the bad arrangement and discipline of her University, which, as is well known, has nothing of the College system, and, consequently, approached more to that of Germany. Glasgow, whose organization presents a mixture of English and German principles, as well as Aberdeen and St. Andrew's, where the College system is upheld, are too inconsiderable and out of the way to

* [It was opened only in 1795.]

influence education of a higher order. But it is sufficient for our purpose to know, that the Universities of the Anglican Church were under no responsibility to provide education for Scotland.

§ 336. *Recapitulation of the Eighteenth Century.*

On the whole it appears that the English Universities in the last century, without aspiring to any high or ideal standard of literary eminence, sufficed for the age and people. Whatever may have been their deficiencies, the reproach and the responsibility must fall principally *upon the whole national state.* Had not the two, in all essential points, been in close sympathy, it would have very speedily evinced itself in a country as free as England. We can find no trace, however, of such symptoms at that period: for the censures of a few individuals, however just, cannot be taken into account. If people choose to reject the whole national condition, as indefensible and bad, either absolutely or in comparison with others, nothing more can be said, except to protest, that such an opinion cannot be justified by the facts of the case. *We* at least cannot admit the justice of this opinion. It is very true, that a portion of public opinion, both in England and on the Continent, has lately been taking a direction which certainly tends to a thorough contempt of England as she was; but certainly at that time none looked at her from this point of view, but the

tendency was to over-value her general and public state. Even the most violent of the opposition-party, in their attacks, did but vent the spleen in which men think they have a right to indulge towards those nearly attached to them: nor did either Whigs or Tories mean to attack old England as a whole* and fundamentally, or to breathe a doubt of her high pre-eminence among civilized nations. When not only England itself, but all Europe, looked upon the state of England, — especially

* [It seems then that the universal state of England was such as inevitably to induce a blinded conscience on the Universities. Our reverence towards them is not to be lessened, although they really did not know that it was wrong to turn literary endowments into sinecures, and (actively or passively) to extinguish nearly all useful teaching! Of the moral scandals attaching in those times even to the ruling part of many Colleges, nothing shall be here said. But our Author might seem to regard it, as, in England, a modern discovery or "Radical" theory, that Universities should teach other important sciences beside Classics and Mathematics. On the contrary, there never was a time, at which the Universities renounced their claims to *universality* in science. When London University (College) rose, about the year 1828, a most popular objection to it at the old Universities, was, that, "not teaching Theology, it did not teach *all* sciences, and therefore was not a University." Both Universities have all along received endowments for Professorships whenever offered; whether for Botany or Chemistry, Arabic, Modern History, Political Economy, Modern Languages, Sanskrit or Practical Mechanics. They are very far from objecting to possess the *fame* of that "multifariousness" in science, which, our Author says, the "Industrialists" want to force on them; but the complaint made by University-Reformers, is, that the University arrangements effectually prevent the attainment of the *reality*. A monopoly is granted to Latin and Greek and (at Cambridge) to Mathematics, such as has ever prevented and will ever prevent the other departments from thriving, until it is broken down: and when this has been done, the now favored branches will assuredly flourish so much the more. To desire such a result, ought not to be interpreted as hostility.]

those higher departments which are so much influenced by the Universities,—as most gratifying and honorable, or even as the very noblest fruit of European civilization; how can we make the English Universities responsible for not coming up to the demands of after-times,* made among other nations and under a perfectly different state of things? With all his defects, foibles and faults, the old English Gentleman was one of the most striking and admirable forms of civilized national education, in any period of time, or in any nation:

* [If this *proof* is addressed to that part of our nation, which desires an extensive enlargement of the sphere of University teaching, (and whom on that account our Author invidiously and unjustly names Enemies of the Universities,) there is not a passage in his work, which will be to them so unsatisfactory as this. The country is at this moment suffering unparallelled distress [May 1842], after 26 years of peace; nor is there a question among enquiring men, that it is produced through the neglect and ignorance of former Legislators. What is the right remedy, is much debated; and I am not about to assume here that any one *party* takes the right view. One says that the Church has not received due developement and due pecuniary help; another, that our Commercial Code has been iniquitous and pernicious; a third, that laws for the regulations of Factories and Mines ought to have been passed; a fourth, that the Poor Laws have been ill contrived:—all however agree that the past generations of Legislators have, by ignorance or neglect, left us an awful load of misery and consesequent vice; threatening the country with results, which are most deprecated by that party which was in power while they were being generated. To appeal to such results in proof of the success of the University-system of the last century, would be *in a native Englishman* nothing short of infatuation: in a German it is pardonable.—That to the example of our aristocracy, our soldiers and sailors owe no small part of their bravery, will be cheerfully admitted; but our farmers, our merchants, our manufacturers, our shopkeepers, owe no part of their wealth to the legislative sagacity of our parliament: and for *what* have our peasants and operatives to thank English legislation?]

and it was in fact this race, which ruled and represented England in the last period. To them she principally owes her power, her glory and her importance; and they were essentially the production of the University education, University studies and University life, of that period. This is fully sufficient to prove the English Universities to have been, upon the whole, excellent organs for influencing the developement of the nation, and thereby of the whole human race.

Third Division of the Chapter.

On the Universities in the most recent Times.

§ 337. *Remarks on their Unpopularity.*

If now we turn to the present times, we are struck to see how changed is the position of the Universities towards the nation at large. At the beginning of the nineteenth century some few censuring voices alone were to be heard — and even these might have been, generally speaking, ascribed to an essentially heterogeneous education and hostile feeling: but at the present day, there prevails, without any doubt, in public opinion, a more or less unfavorable judgment, and in its extremes an implacably heterogenous and hostile feeling against Oxford and Cambridge, which is proclaimed in

every variety of tone and manner, and from the most different quarters. The unavoidable necessity of a total change in their corporate position and constitution, their studies and discipline, is looked upon almost as an axiom; and people dispute only about the extent and nature of the reform. Had the Universities altered in later years, especially for the worse, this ill feeling would not appear so extraordinary: but all that even their bitterest adversaries can reproach them with is their stability; and no impartial person, acquainted with the case, can doubt that in the last thirty years many very essential ameliorations have taken place in them, and that they have never less deserved the censure with which they are overwhelmed, than now. In order to make what I shall afterwards say clearer, it would be as well perhaps to notice at once this last side of the matter. We will leave the facts to speak for themselves: they will give the best reply to all that has been said upon the subject on either side.

§ 338. *Their Modern Reforms.*

The desire of effecting some amelioration in the academic studies began to evince itself in Cambridge about the end of the last century, and in Oxford after the commencement of the present. As it continually manifested itself and grew, commissioners were appointed to draw up reports upon the subject, which,

with deliberations and decisions upon the reports, form a constantly recurring, and almost permanent, feature in the academic life of latter years. There is no denying that these matters were not carried on with that great activity and expedition, which, in the Bureaus of other countries, is displayed in concocting, every other year or so, new plans for the University studies: and whether a Continental or an abstract standard be applied, these legislative operations of the English Universities must be judged extremely slow. This however cannot surprise us, when we reflect upon the influence of Statutes, and the "interests" of the parties. Unanimity, first, between the Heads of the Colleges, the Vice-chancellor, and the Proctors, and next, between them and the Assembly of the Masters, are matters not so easily to be obtained upon such important points. Whether this tardy progress was a matter for censure or not, is a question which depends upon another; viz., whether the advantages of greater expedition are not always overbalanced by preponderating disadvantages. This must depend upon the point of view from which it was regarded: and any one who could suppose, that either in this case, or in any other in real life, under complicated circumstances, it could ever be really a question of accepting or rejecting some *pure and unalloyed* profit, would only prove his utter want of sound judgment.

We need not detail the contents or the dates

of the long list of Statutes by which, first in Cambridge, and afterwards in Oxford, the chaos of the old scholastic formalities was cleared away, as far as it was useless or obstructive, and reconstructed and corroborated in its more useful elements. Throughout the whole system, and especially in the former respect, abuses of every kind had admirably prepared the way; so that for the most part they had merely to legalize violations of old Statutes, which had become a matter of custom, and, by thus doing, to get rid of a stain upon the University administration. It then became easier to enforce the regulations that were retained or reconstructed. The following are the principal results of these reforms.*

In the first place, a *previous* examination has been introduced, at Oxford named the "Responsions," which is carried on under the direction of *University* officers, the candidate answering by word of mouth.

* The sources from which the Colleges derive their pupils continue to be, for the most part, the old Public Schools; the state of which is of the greatest importance to the academical studies. In these schools likewise a more active spirit has evinced itself in the last few years. This has not been effected perhaps by any formal changes, but by a new spirit in the teachers necessarily induced by their intimate connection with the Universities, from which the schools principally derive their Conductors. Much has also been said latterly about the reform of *these* institutions: and as far as we can judge, a moderate extension of the present plan of instruction might certainly be desirable: yet here likewise, considering their past history, all changes should preserve a marked relation to the changes in Oxford and Cambridge. Those who choose to found schools entirely new, have of course an open field for experiment; and by their efforts we shall at length learn the relative merits of different systems.

He is interrogated upon the rudiments of Theology, Logic, Classic Philology, and Mathematics* in their more extended branches.† A year and a half of University residence (estimated by University *terms*) is the time given to the College studies which are to prepare the student for this examination. The method of study is very nearly the same as in the last century: that is to say, we find very few lectures, (and those, directed to the future examination,)—private study, which is encouraged as the principal object and directed by the Tutors;—and, in some instances, assistance by still more private instruction;‡ together with the yearly examination, the distribution of prizes, &c. After passing the Responsions, the College studies are still continued; private reading being looked upon even still more as the principal affair, but at the same time the

* [No *Mathematics* are essential at Oxford; and the "Classic Philology" is limited to a *grammatical* examination in one easy Latin and one easy Greek book; both which books may be offered by the same person a second time when candidate for his Bachelor's Degree. This however is seldom done.]

† In Cambridge Logic is not explicitly taken into the course of examination; but it is implicitly required. In Oxford it may be replaced by passing a stricter examination in the other subjects.

‡ This is generally the affair of the so-called "private tutor:" and every Graduate may be empowered by the Master of his College to act as such. [At Oxford there are no yearly examinations, but private terminal examinations, called *collections*. The severity and importance of these varies exceedingly at different Colleges: indeed, at a recent period, at most Colleges they were nothing but a slight check on very gross idleness and neglect. — At both Universities, I believe, the assistance of Private Tutors is regarded in practice as almost essential for attaining the highest honors.]

public lectures upon the subjects* required are attended, and a sort of preparation thus made for the examination for the Bachelor's Degree in Arts, which takes place at the commencement of the fourth year† of study. This examination comprises the classics in their most extended and highest sense, and the‡ higher branches of Mathematics. The student who passes through his examination satisfactorily is then, in Oxford, at once admitted to take his Bachelor's Degree without anything more: in Cambridge he has still to keep an "Act;" but this is a very trifling affair. Those who are afterwards desirous of taking their Master's Degree have only to keep their names "on the College books," and to present themselves again after a lapse of three years and a residence at the University of about three weeks.

I shall afterwards speak of the higher Faculties: but it is clear, from what has been said, that preparation for the Degree of Bachelor in Arts is the

* [Nothing of this is *required;* nor indeed is usual: nor do I know that there are any Public Professors which *may* not be attended at the beginning as much as at the end of the Under-graduate course. I believe the whole statement is a mistake.]

† [In Oxford, the Examination is ordinarily supposed to fall in the sixteenth term of standing—*i. e. practically* the end of the fourth year after matriculation; but if there is no Examination in that term, the candidate chooses between the fifteenth and the seventeenth. *Very* strict rules are not enforced about this.]

‡ [No Mathematics is *required* at Oxford; and in Classics nothing but two easy Greek and two easy Latin authors chosen by the candidate himself. The Examination however is no longer *merely* verbal and grammatical. *See however Note* (96) *at the end for farther information.*]

principal end of the present University studies. Neither this examination nor the lectures are actually a new feature: although the former has been unquestionably rendered much stricter; and much more stress, than before, has been laid upon the latter. On the contrary, the second and most important point in the reform, is new; namely, the "Examination for Honors." No higher Degree than that of Bachelor is conferred on the successful candidates: yet from the higher attainments implied, and the solemn and public manner in which the Degree* is conferred, it bears a stamp of far higher distinction. The same branches† of study form the basis of this examination as of the common one: but what is required is of so much more elevated a description, that it bears about the same proportion to what is done in the other, that the latter examination does to the previous one. The mechanism‡ of these examinations, which are carried on entirely by extemporaneous writing, may be unquestionably looked upon as models; as they wonderfully combine individual observation and

* [There is no distinction at all at *Oxford:* nor any at Cambridge, except for the Senior Wrangler.]

† [Neither is this the case at Oxford. The "Common" Degree does not imply any knowledge whatever of Mathematics nor of Natural Philosophy; yet "Honors" are awarded in these. In fact, in what are called Classics, it is hard to say that *the same branches* are required for a first Class and for a common Degree: and the *ratio* of difficulty set forth in the text very much overrates the common Degree. See Note (97) at the end.]

‡ [All this would seem to be said of *Cambridge.* At Oxford there is *also* a "viva voce" examination.]

Drawn by R B Harraden.

Printed by C Hullmandel

Admission of the SENIOR WRANGLER "ad respondendum Quæstioni"

in the Senate House Cambridge (1842)

control, with the expedition requisite on account of the great number of candidates.*

With regard to the preparation for these examinations, it still depends principally upon the Colleges: although the University lectures† assume a much greater prominence than they did before. We have been assured by credible authority that all Rules are now enforced by the Heads of the Colleges far more strictly than in former days; and the superior acquirements shown in the public examinations, prove that their efforts have not been in vain. The interest, moreover, as well as the honor of the Colleges, is very decidedly concerned in the results of the examinations. If the *form* of the College

* For nearer details I refer my readers to the "University Calendar." In Cambridge those who pass the examinations for honors are divided into three classes. The first man is called "Senior Wrangler." In Oxford the first three [now, *four*] Classes on the List are honorary. As to the chronology of all these matters, the "Calendars" it is true contain information respecting the Statutes in their present state: but I have no sources to refer to for the dates of these reforms. A communication made to me by the Rev. Longueville Jones, (one of the few competent authorities to be found in these matters,) states that the critical years for Oxford were 1801, 1807, 1809, 1825, and 1830: in Cambridge 1747, 1753, 1755, 1822, 1825, 1829, 1830, 1832, 1836, and 1837. There is at present moreover some talk of a publication of the Cambridge "graces" of these periods. The examinations for honors in Cambridge were extended to *literæ humaniores* in 1822 first: the principle of the honorary classes was first introduced into Oxford in 1801: but it was never satisfactorily put into execution before 1825 and by latter arrangements in 1830. [For 1825, in the last sentence, 1807 would be far more accurate.]

† [Attendance on them is still optional, and very few of them are regarded as a help by students who are reading for honors. I doubt whether they are at all more prominent than before: perhaps the reverse.]

lectures remains unaltered, the *spirit* has certainly been born anew, and this is the really important thing: nor can it be questioned that in later years a very decided progress has taken place in the two Universities, by the agency of the Colleges, both in Mathematical and in Classical studies.

§ 339. *Comparison of English and German Universities, as to the Intellectual Results on the Students.*

It may be doubted whether the English Universities have felt as much interest as was to be desired, in the labors of our countrymen to extend and develope Classical erudition and Mathematical science. Great allowance however is to be made for the natural isolation, intellectual and moral, of this Island People, while we ourselves are in contact with every side of Europe: moreover, whatever interest is felt at all by England in German learning, is found almost solely in the two Universities; nor would any one question the fact, that the Colleges fully maintain their position as the central points of intellectual life, in spite of the increased exigencies of the age. It would be needless for us to lay any stress upon the importance of such men as Gaisford, Clinton, Dobree, Scholefield, &c. as Authors. Certainly, their efficacy as academic Teachers, bears no proportion either in nature or extent to what it would be in our [German] Universities: and it is even

possible that not one of them really gives or has given a public *lecture*. Nevertheless, the results of their agency, as men of learning, cannot but have an influence upon those more immediately around them. The same may be said of the studies in Mathematics and Physics, although of course we cannot expect Cambridge to have its Newton every century. Yet Whewell, Babbage, Sedgwick [of Cambridge] Rigaud and Powell [of Oxford] are names that sound well: and besides, any real progress made anywhere is sure at length to influence the College studies, unless it be of a merely practical nature.

We must not look for formal symptoms of advancement in the branches which were left chiefly or exclusively to private industry; such as Moral Philosophy, Natural* History, and History, which were always the weakest side of the College studies. The neglect of the two last is a matter of principle and settled aim: but to this point we shall return hereafter. [Abstract] Philosophy indeed was never carried further or to greater depth in England, than at Oxford and Cambridge: and though this does not say much, according to our German standard, it says enough in defence of the English Universities against Englishmen† themselves. The

* [This term is more widely used than with us.]

† [This will seem a very extraordinary defence, to those Englishmen who think that Philosophy and Theology can no where be so well cultivated as at an ancient and opulent University, especially when such are, of all others, the very studies which the old Endowments and Statutes enforce.]

same remark applies to Theology. That whole study is confined to such a general introduction and preparation, as "the previous examination" very justly calls "rudiments;" that is to say, the reading of the New Testament in the original language, with not very abstruse inquiries into the ancient languages and customs; Paley's works, and others of a similar kind. Still, down to the present moment, passing-by a few works of a superior order, Theology no where in England stands higher than at the Universities: and in this respect also, a progress, not inconsiderable when compared with the past, has evidently taken place in the College studies.* The increase in the number of students who read for Honors, proves the success of the incitements already alluded to; with which may be reckoned various new scholarships and prizes for acquirements in the Classics. Thus we obtain a sure standard of the maximum of what the Universities intend or are able to produce, in and by means of the Colleges.

I have been led to the following comparative results from official documents before me. In generalization, arrangement and system, especially in Realistic† Philology, the English Universities are far behind us: but knowledge of details, taste, feeling and sentiment in treating the subjects, are in much

* See Note (98) at the end.

† [By this phrase our Author probably means the study of ancient authors for the sake of the *substance* of their works.]

higher perfection among them than with us. Fondness for minutiæ is driven to a pedantic excess, more particularly in the translations into Greek, which are ordered to be in the style of different authors, dialects and periods of time. Taste* is chiefly exercised on isolated passages, which then, it is true, turn into flesh and blood. No profound philosophical conception of the doctrine and principles of taste,* can be expected; considering the state of philosophy in England, which is scarcely advanced beyond Blair. It is remarkable however that many efforts are made to call out in the students some knowledge of more modern literature, at least that of England. Analogies are required to be found between the old and the English Classic Authors, and the subjects for translations, &c. are chosen from the latter. Opportunities are also taken to make Theological digressions, by help of passages out of the New Testament, as a means of ascertaining whether the studies in Moral Philosophy and Theology, (such as they are!) have been neglected since the first examination. Our professed Philologists, (that is to say, the candidates for the posts of teachers in our "*Gymnasia*," &c.) are at the end of the academic three or four years, on the whole, *somewhat* further advanced, and show *somewhat* greater attainments, than is required in the examination for honors either at Oxford or Cambridge. If however we look at the same class of

* [Die Aeſthetik.]

candidates among us in Mathematics and Physics, the comparison will turn out much more favorably to Cambridge.

In order to form a correct judgment of these matters, we must not overlook the important consideration, that in England, the persons examined are not Philologists or Mathematicians by profession. We see but the highest step of the general education of a Gentleman; the general preparation for a further career in learning or in practical life, as the Gentleman may think fit. If now we look among ourselves for equal attainments in Classical and Mathematical cultivation, in students who are preparing for *other* departments, we shall be able to find competitors only amongst our ablest young men, just finishing their course, and that, under favorable circumstances: even so, it would be found that the English examinations were, in the Classics, somewhat superior to our own, and in the Mathematics altogether beyond us.* Once more, it is impossible to deny, that the number of those who in Oxford, and still more in Cambridge, obtain "Honors" upon passing their examinations; when taken in proportion to the total number of students or of the scholars at the schools which they left; is very much greater than of those who

* I have taken as the *maximum* of my point of comparison what is required by No. 1, and as the average proportion what is required by No. 2 in the (now modified) "order of maturity" in Prussia, instituted in 1812.

obtain No. (1) as "*Abiturientes*" with us, when compared with the same mass.*

But if we set aside the examinations for honors, and take only the minimum required for the Bachelor's Degree, the result certainly turns out more in our favor: inasmuch as our middle "degree of maturity" stands not much below the other, and the number of those who attain it is probably much greater with us than in England in proportion to the academic population.† Another very essential point is, that our youth are arrived at this step of cultivation when they *enter* the University, whilst in

* In spite of the diffuseness of the University Calendars, it is extremely difficult to calculate the number of *real* students at an English University. According to a calculation of Mr. Longueville Jones, the number of "resident members" in the year 1837 amounted in both Oxford and Cambridge to about 1600: but the resident Fellows and Masters are also included in this calculation. Allowing for these we may possibly compute for both Oxford and Cambridge about 1300 real students: and there is no reason why we should not take this as the average number for the last fifteen years. In the same time the number of those who "passed with *Honor*" amounted in Cambridge [annually] to above 100 in Mathematics and above 20 in Classics — in Oxford to about 10 in Mathematics and about 20 in Classics. [There is great mistake here. See Note (94) for more accurate details.] This would make about a thirtieth part of the actual students in Oxford, and about a tenth of those in Cambridge — certainly a most honorable proportion, especially in Cambridge. Such is the general idea which I have been able to gather from many different accounts and from my own observations. I should be very glad to be taught better if I err, provided I am not required to place the absolute belief in numerical computations which is so common now-a-days.

† The number of Bachelors in Arts created every year amounts upon an average to 300 in Oxford and 350 in Cambridge. If we subtract the numbers of those who take honors, there will remain from 255 to 210 for the general examinations. [See Note (94) at the end.]

England they only reach it at the end of their academic career. The preference might be well given on our side, if we were to take it for granted, that upon this foundation we erected a proportionate structure of learning or at least preserved the foundation itself. That this however is but little the case; that young men seldom keep up, while studying in other professions, the general cultivation bestowed or forced upon them in rich and over rich abundance at school; none will deny but those who (knowingly or unknowingly) help to weave that great web of lies which envelopes our much-praised civilization.* No doubt in England also, after the Bachelor's Degree has been gained, a like process of evaporation commences: yet it is certain that there the number of men who, without professional necessity retain their Classical College cultivation, is much greater than with us. This may perhaps be attributed to the predominance of voluntary† and private study in

* Of course when the professional studies coincide with the subjects of school education — that is to say, in such instances as those of the candidates for posts in the schools — the school studies are continued *as* professional ones.

† [As I have felt forced, while editing these volumes, often to express my sense of the great defects of our University-system, in comparison with the wants of the Nation and the capabilities of the Age; I cannot refuse here to state my opinion (and I seem to myself to have earned a right to the pleasure of so doing) that a very great excellence lies in the degree to which our Institutions call out voluntary energies and *con amore* study. I believe this to depend, first, on their not oppressing the mind by enforcing too many studies at once: secondly, on the lectures being few, and the Tutors rather directing and assisting the study of books, than presenting themselves instead of books. If the London University fail from *intellectual* causes, I fear it will be through demanding a proficiency in too many subjects at once.]

England, and to their method of paper examination. In candidates for honors there must be so much love of knowledge or independent ambition, that it would be strange if the impulse did *not* generally last through life. But even the taking the Bachelor's Degree without the distinction of "honors," is in at least the half of the cases, completely a matter of free will, as neither State nor Church,* nor any one else whatever, ever asks any question about it. With the other half, it is connected with the intention of continuing a learned career at the Universities, or in schools; and in that case, of course the studies commenced must be continued, or at least kept up in the same condition.

§ 340. *Other Branches of Study than Classics and Mathematics.*

Our readers must have already been desirous of asking,—What is the present condition, in Oxford and Cambridge, of the *other* branches of study, which with us are already included up to a certain point in the general preparatory school studies, and of which no mention has been made as yet: such as, HISTORY, — particularly the more *modern*, — Languages, and the History of Literature, Geography, Statistics, and Natural History in the more limited sense.

At first sight, the English system must appear

* [This is a great and remarkable mistake.]

to the greatest disadvantage in these particulars: and when we admit that neither in the College nor in the University examinations nor in the Public Schools, are these subjects even mentioned by name, it would be very natural to suppose that nothing could be said in excuse of such neglect, penury, and partiality. As to Ancient History, we might certainly reply that it is studied in the explanation of the Classics; if not very comprehensively and systematically, yet thoroughly as to details: and this point might, without a doubt, be the easiest to defend. As regards more *modern* History and Literature, we can only refer to the fact that in both Oxford and Cambridge a Royal Professorship has existed for both these branches ever since the year 1728. Even if it could be argued, that where a Professor is, there students are, one Professorship for two such important and extensive branches of learning would still appear, to *us*, miserably insufficient.* But in fact, this Professor is not bound to give more than one course of about† forty lectures a year, (during the Michaelmas

* A proof of the actual value or meaning attached to the Professorship of History may be gathered from the fact, that the Poet Gray was one of the first persons who were invested with this post, and certainly he never had any idea of representing himself as an Historian, or of ever giving a lecture of any kind whatever. We may mention at the same time, as a curious fact, that the well-known Philologist and Archæologist, Conyers Middleton, was *Professor of Geometry* in Cambridge.

† [The Lectures on Modern History at Oxford were this year (1842) delivered by Dr. Arnold of Rugby, for whose recent and sudden death so many eyes are still wet, and so

term,) and these lectures are by no means either very regularly held and still less regularly or numerously attended. The same may be said of the Professorship of Anglo-Saxon established at Oxford in 1750 — to say nothing of the Professorship of Poetry.*

All that remains then is, the satisfaction of knowing, that these branches are no way closed to *private* study, — that there is no want of literary aid for those who choose to seek it:† — that private teachers may always be found for the leading

many hearts will long ache, under a sense of irreparable loss; — but the total number of the Lectures is only *nine*, though the course was complete.]

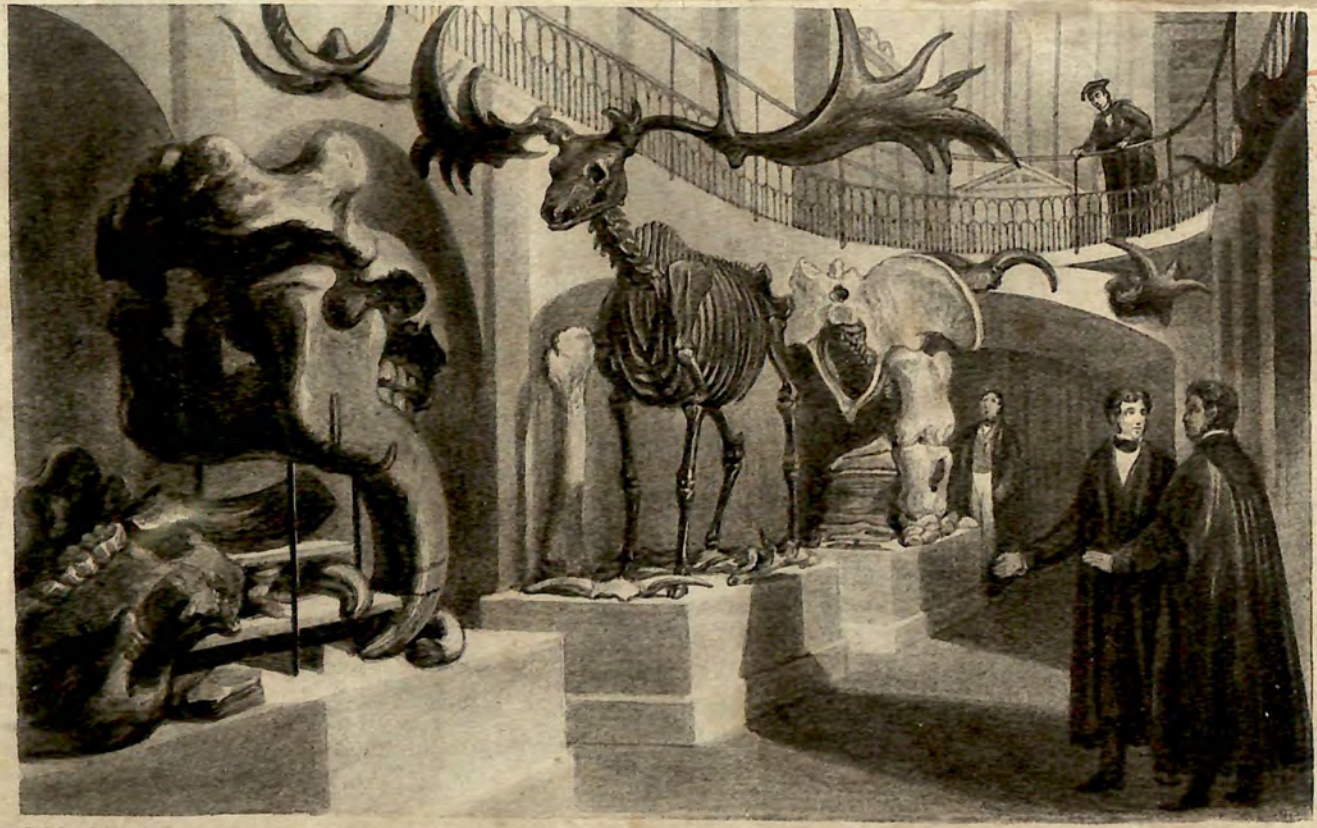
* I need no excuse, I trust, in thus reckoning the study of Anglo-Saxon (in the same sense as that of our old language and literature with us) among the elements of general cultivation. It is just as certain that some few lectures upon this subject were really occasionally given (for instance, by Conybeare) as that they were never regularly given, and even at the best never went beyond a very general survey. One characteristic fact is that it was necessary for the Professor to be unmarried; and he consequently generally resigned when in some measure well established in his post and his duties. It is by no means my intention, however, to represent these and similar institutions of the kind as unimportant in themselves or even ridiculous. Fifty or even five and twenty lectures would be sufficient, if given by a proper man, to inspire a love for the science, to give a general survey of the subject: and as a general means of cultivation. And whoever has either desire or calling to enter further into the subject would have no want of means of encouragement for private study, which is after all the principal affair; and an impulse of this kind might even be best given, *cæteris paribus*, by a younger and unmarried man.

† The difficulty of access to the University Libraries has been much exaggerated. At Cambridge at least, every student may take books home with him upon having the guarantee of a Master of Arts: and the use of them at the Library itself is a matter of course. [To the Bodleian Library at Oxford, access is neither given nor desired, before the Bachelor's Degree.]

modern languages,— that the University examinations often draw such matters within their sphere, (by giving, for instance, passages from Hume, Gibbon, Milton, Shakespere, &c. to be translated into Greek and Latin, and by demanding comparisons of the English and the ancient classic authors;) that finally, the Prize-subjects are sometimes taken from these quarters. At all events, things go on better in such departments than in the non-mathematical branches of Geography and of Natural History. The only instruction in these to be obtained within the Universities, is derived from some scanty and very unsystematic collections of Natural History;* access to which is neither easy nor sought after. What influence the Society of Natural History established at Cambridge in 1832 will have, has not yet appeared; but its very rise inspires good hopes.

If we judge of this part of *our* public education by our pompous pretensions, by the sign-boards of our Gymnasia, by the praises of modern Liberalism, the jargon of speculation, and the insipid oratory of our public functionaries; we shall appear to stand infinitely higher in every point of universal preparatory education, than any other nation whatever. What a rich abundance of subjects for

* Collections of this kind exist to my knowledge in some of the Colleges: and the Ashmolean Museum in Oxford also has among other curiosities some specimens of Natural History. To these have been added latterly Professor Buckland's Collection of Minerals and others of the same kind.



G. Scharf lithotint.

CAMBRIDGE GEOLOGICAL MUSEUM, 1842.

instruction and examination; of matters which are scarcely known by name elsewhere! What variety, what freedom, what activity of intellect, what an inspiration for all that is beautiful and noble in the whole sphere of European civilization, what disgust of all petty, mechanical and professional studies, must we not naturally presume in those who flock, from year to year, to the Universities! However, I must declare my conviction, and give my testimony, that all true and living results decrease in proportion as the means and the pretensions increase in number, artifice and complication. In spite of all the Lecture-lists of Schools and Universities with us, in spite of all our "*maturity*"-regulations and examinations; History, Modern Languages and their Literature, the History of Literature, and even Geography and Natural History, are studied less generally, less zealously and less successfully, than in the corresponding academic spheres in England, where all is left to voluntary love of knowledge and self-incitement.*

* Nothing would please me more than to find myself contradicted from competent authority, in as far as my own subjects go — that is to say, Modern Languages, Literature, the History of Literature and Modern History. I wait only for a good opportunity to say a serious word or two respecting the miserable decay, into which these studies have fallen during the last fifteen years. It was not however always so, and we may naturally look for the causes at the time when this decay first commenced. To suppress errors, [offensive political sentiments,] by oppressing and crushing the mind itself, is an easy policy. [*From what I know of young Germans at German Universities, and from an extensive acquaintance at our own* (i. e. *at Cambridge*) *I should say precisely the reverse.*] [The words in Italics are from Mr. Palgrave Simpson.]

§ 341. *Philosophy: with Digression concerning German Pretensions.*

If now we cast a comparative glance at the philosophical studies with us and in England — (a task the more inevitable as these are the life of all others —) we obtain, according to our convictions, the following result. In the first place, we must not infer from the trumpetings of our philosophy, any wide diffusion of it among us. We have laborers in this field, whose individual scufflings raise a cloud of dust, worthy of an army in motion. But, as a nation, we do not deserve, in respect to philosophy, the opinion bestowed upon us by our neighbours, either in a good or bad sense. Let us admit however that the circle of Masters, disciples and amateurs in philosophy, is singularly large with us; and that its predominating spirit imparts to our intellectual movements a fixed purpose, an order, a comprehensiveness, in which England is so deficient, that in her soundest erudition we detect the failings of the amateur; — simply because the limits of the science have there been fixed by chance or caprice: —let us admit farther, that it is reserved to the *Masters* of German Philosophy really to hit the highest mark that can be proposed to the unassisted human mind,— whatever be its aspect toward revealed religion: let us admit, in short, that hitherto the highest intellectual efforts have been put forth only by the German spirit, fermenting under our new

philosophy, and incited by love of truth and of knowledge for their own sake. Herein we do but claim for Germany that which is truly her own, but it is hoped not her only, portion.* But unfortunately the matter is by no means terminated here. These summits are attainable to but very few; and there is room for fear, that the stimulus which brought ripeness to the Masters, is gendering rottenness in the scholars; and is threatening to break up all positive, and thereby all living and life-giving knowledge. It seems to be aiming to resolve all religious, moral, political and scientific cultivation

* Until the English know better what German learning is and means, they are incompetent to judge of our comparative pretensions, or to derive self-knowledge from the survey. As long as they continue to speak on the subject, as blind men would speak of colors, and to proclaim their ignorance in expressions of coarse contempt, so long are we authorised to lay claim to a notorious superiority. Much has been done in later days in England, to counteract this really shameful ignorance: but there is infinitely much still to be done. That part of our temperament which leads to hard, persevering, unrequited labor, from love of knowledge and truth for their own sakes, the English so little understand, as to turn it into reproach, under the title of *Plodding German*. How far we are indebted to our poverty for our virtue, I do not say; but certainly Englishmen of learning live far too much in the world to be in danger of professional monomania. Their standard [of professional eminence] is different from ours; it is taken not from the matter itself, but from the opinions of the circle to which they belong. [As an Englishman, I desire to add my belief, that the term *Plodding German* is, as often as not, used in the way of admiration; but if it ever indicates censure, from persons who do not speak at random, it is directed, not against the laboriousness of the Germans, but against their flat and tedious style; — against their tendency to give to details an undue prominence, and generally, their little care to compress their erudition into a shape pleasing to read and easy to remember. These defects may be *falsely* imputed to them perhaps; (that is another question;) but this is what the English *mean*.]

into an utter negation of every thing beyond "self;" and this, the more effectually, the more confidently it pretends to replace or supersede them by greater unity. It is here however a matter of the greatest difficulty to distinguish the tares from the wheat, the unsound tendencies from those, which, if not strictly healthy, yet are indispensable to the healing and cleansing of the age.

The evil principle is making efforts for *domination*, principally in two ways. First, it sets up a false notion of the STATE, understanding hereby the power which at the moment prevails; with a one-sided elaborate *potentialization*, to a neglect of existing realities. Secondly, it becomes an unscrupulous tool of the State, (so understood,) to the annihilation of feeling, belief, conscience and right, when these come into collision with the powers that be. But surely, making every allowance for Christian intentions in the centre of power, yet, if free and independent life in the circumference be petrified, Christian forms and Christian cultivation will prove as incompetent as those of China to preserve moral, spiritual or religious worth and influence.

On the whole, it is doubtful whether we ought to rejoice or lament, that *philosophy* with us by no means spreads so widely over society as other nations believe. It is far safer to boast of the conquests made under the banner of German spirit and the German name in every domain of *learning*, by help of such sound common sense, talent or feeling,

as GOD may have bestowed: and here we stand on the very ground which in England is honored with the name of Philosophy. At the same time, if our pompous signboards be pulled down, and the real facts behind be examined, sound human understanding will be found to have attained higher developement, more force and versatility in England, than with us. In fact, it is there valued and cultivated, under the name of Philosophy, while with us it is left to itself like a wild plant.

In England however it took two principal directions. Within the Universities, its character was positive and apologetical; of which *Paley* is the appropriate type. In the circles beyond, it was predominatively negative, critical, sceptical, and for a long time peculiar to a few eminent spirits, among whom we must above all specify *Hume*. Both branches are essentially practical; both have their roots in the philosophy of Locke. As the last inclined on the whole towards scepticism, it was inevitable that the University-philosophy should become apologetic. In consequence Paley and others, whose praiseworthy intentions were not adequately supported by philosophic ability, had no choice but (with decided partiality and well meant half-sightedness) to accommodate the principles of Locke to all that they found established around them. *Outward* truth, historical and philosophical, was thus frequently sacrificed: but *inward** truth

* [Subjective.]

may have remained, on the whole, uninjured, and guiltless of wilful perplexity. When we consider then the great variety and excellence of the elements of moral cultivation thus engaged, and the high degree of — at least legally — recognized freedom; we cannot wonder or be surprised, that this philosophy of the Universities promotes a very multifarious *political capacity* suited to the existing condition: and hence unquestionably proceeds the high value set upon it. To the advances of learning it imparts little of idealism and universality, but much of sound common sense, practically excellent observation and intelligence in detail: indeed in certain directions, it gives a combination of harmonious qualities in a much higher degree than with us, where the human understanding is either crushed and frightened, or runs wild into sentimentality, fantasy, vanity and ignorance. Thus, though the English at the present day have no one to compare with the heroes of our German cultivation, they may boast* that with them there is a more widely-diffused quasi-scientific education, combined with the corresponding qualities in morals, taste, and politics; the chief sources of all which are the Universities.

As to what the English term "Natural Philosophy," we need only refer to Newton and his connexion with the philosophy of Locke. Although pretensions and appearances are much higher here

* Even here we can compete with them better than formerly.

than upon the field of Moral Philosophy, yet upon nearer examination it is impossible to deny, that the same principle, the same feeling, prevents their penetrating to a spiritual centre. Even admitting that they lead us up to the door of the idea, it equally remains closed to us, as though we were standing upon the lowest step of the material phenomenon.*

§ 342. *Studies in the Faculties.*

Passing to the different *Faculties* or Professorships, we gladly allow that Oxford, and still more Cambridge, now exerts in them a much higher scientific agency than ever before: but it is equally certain, that the smallest University with us, in this respect, far outstrips them both together.

The total amount of the results in Cambridge during the last twenty years, is the following: — effective public lectures are delivered in Theology, Hebrew, Civil Law, Medicine, Anatomy, Pathological Anatomy, Botany, Geology, Mineralogy, Experimental Physics and Political Economy. The course of lectures for the three principal Faculties, Divinity, Law and Medicine, comprises at most fifty hours *a year*, and in the rest scarcely twenty can be counted. How little therefore can be done

* I know how little service I shall render to the claims either of German or English national vanity by this comparative account. But History cannot aim at satisfying such claims.

by the greatest zeal and talent upon the part of teachers and scholars, is plain. To give a general introduction, survey and stimulus, or to treat some altogether special part of the subject must be the highest rational aim of the lecturer. To have attended the course of lectures upon the subject is necessary for the Bachelor's Degree in the three Faculties. In addition to this, there is an Act to be kept in all three: and for the Theological Faculty two sermons to be preached. The candidates for Degrees in Law and Medicine have to pass through an examination by the *Professor Regius*. In Medicine it is necessary to have testimonials of having attended a course of lectures in the three auxiliary sciences also, or of having gone the rounds of one of the great London Hospitals. In all it is presupposed that the candidate has taken his Bachelorship in Arts, or at least his first examination in Arts, and consequently passed through his first two years of College studies. The period of time necessary for the studies amounts to nine years in Divinity, and in Law and Medicine six years from the time of matriculation, and four years from the first examination in Arts, when the Degree in Arts is not taken. This Degree spares the Student two years, and for Jurists,* *the lectures!* After the examination in Arts has been passed and the higher

* In Cambridge a Professorship for English Law was founded by Downing in the year 1800: but, as far as my own knowledge goes, it is only a sinecure.

Faculties entered upon, it is not requisite to reside, further than the time occupied by that course of lectures and that Act, at most a quarter of a year. The DOCTOR'S Degree is then granted after two years — in Divinity after four years, without any thing more than keeping an Act. What is required in the examinations is very inconsiderable: — and cannot be otherwise, if it is to be in any proportion to what is learnt by the lectures. Divinity is even more scantily provided for than the other Faculties, as may be seen by what we have said above; since not even an examination is required. The lectures may be attended, and attested, but they are very seldom listened to.

In Oxford the number of lectures really given is considerably smaller than in Cambridge: and this may be explained in part by the fact, that to attend them is not made a requisite condition for the Degree [in each Faculty]. What is done however is much about the same as in Cambridge.* In Oxford upon taking the Doctor's Degree in any of the three Faculties an Essay must be read publicly upon the subject; — a reminiscence of the dissertations *(principia)* formerly required: but as it may not last longer than an hour, it cannot be a very serious matter. That in Oxford, (partly from want of good will or time on the part of the Professors,

* A detailed account of all these matters may be found in the "University Calendars;" although silence is kept concerning much that is not very praiseworthy.

and partly from want of audiences,) very few lectures are even at present really given, is admitted even by the defenders of the University. Even the Professors who really give their lectures — (as in Moral Philosophy, Poetry and Ancient History —) have seldom more than from thirty to forty hearers: in others from ten to fifteen often form an audience. The Sanscrit Professorship in Oxford and the two Scholarships for those who are desirous of devoting themselves to these studies, are certainly sufficient to meet all the demands made in this respect. The same may be said more or less of the Theological and Hebrew Scholarships, which have been lately founded, that is to say, if we regard things from the English point of view, according to which Hebrew is not much more necessary for a Theologian than Sanscrit is. How far the two Travelling Fellowships in Medicine go towards the advancement of the Medical Studies in Oxford I cannot judge: but we may surmise that no great importance can be attached to them.* From all this it is clear that it is as little possible now, as it was in the last

* We need scarcely mention that the academic degrees are not bestowed *gratis* in England any more than with us. The fees (to judge by any other standard than the English) are very considerable: their denominations and purposes are very various. Of course I cannot enter into any minute details with regard to these or any other pecuniary matters, as they are of a very complicated nature and wholly uninteresting for persons not concerned. The "University Calendars," the "British Annual" of 1837, and 1838, the "*Alma Mater*" and other books give all the requisite particulars. The lectures also for the greater part are *not*, as is generally believed among us, gratuitous. The necessary fees vary from £1. to £5. and upwards.

century, to think of forming oneself as Theologian, Jurist, Economist or Physician, by help of the public instruction at Oxford or Cambridge. And in fact all that can be said with respect to these departments in England is, that whatever is known in them is gathered otherwise than in the course of the *University* studies; by practice in life, by private study, private instruction, or even *by teaching!* For Medical studies there are only the London Hospitals and Edinburgh [Dublin] or Paris. We have nothing to add to what has been already said in this respect. There is no idea whatever of any further examinations, at least in a *scientific* sense.* and even regarded from the mere *practical* point of view, the qualifications demanded, when compared with those at the lowest step of our examinations for State-service, are far humbler, than the examinations at the English Universities appear side by side with our examinations for the Faculties.

* The examination that Theologians have to pass before entering upon Orders, demands still less than even the first University examinations. Students in Law are never examined at all. Those in Medicine, Surgery or Pharmacy are examined by their respective London Colleges, but in a very coarse and slovenly way. No examination is necessary for entering into the service of the State *except for Naval and Artillery Officers*, and among the *Military*, for such are are educated in a *Royal* Institution. The same may be said of the East India Company's service. [Our Medical and Surgical Colleges will probably protest against the statement here made, which at least is not with us a notorious fact.]

§ 343. *Comparison of the Present and Past Century in the English Universities.*

Let us however leave the German Universities, and compare those of England with themselves at the present and the earlier periods. Among many other symptoms of intellectual advancement, we must not fail to notice the vastly increased literary activity of the present generation of academicians. I cannot here enter into detailed statistical accounts; but by enquiries of this nature I have convinced myself that among the authors who labor for the enlightenment of the nation in every form and direction, there are as many members of the Universities as is desirable; or, at least, ten times more than there were thirty years ago. The list of contributors to the Encyclopædia Metropolitana alone, contains the names of about twenty Fellows of Colleges: and the striking intellectual elevation of the Tory periodical literature* in the last twenty-five years, must also be ascribed in great part to the Universities. As to moral and religious cultivation, it at least has not gone back, although it may be doubted whether there is any very essential improvement.

In spite of this, the merits of the Universities were never less acknowledged than now; and in

* People on the Continent have hardly yet learned that the Whigs and the Edinburgh Review, &c. do not monopolize talent in the immense field of the English daily and periodical press.

fact, beyond a certain circle which is ever lessening, an uncongenial and even hostile spirit has gained an alarming predominance. In order to account for this, we might point to the vast and unavoidable growth of democratic elements in England, connected with the great War, and with the increase of population and wealth: but the rise of numerous circles of intellect, wholly beyond the University sphere, is a phenomenon more properly falling under the cognizance of this work.

What may be the worth of the writings of Hume, Priestley, Adam Smith, Bentham, is the less needful to decide, since no one will rate as very precious the current coin of their successors.* On the other hand it is undeniable, that in Natural Philosophy, Chemistry, Medicine and Natural History in its largest sense, great progress has been made in which the Universities are little or not at all concerned. Although some few of the leading spirits may have belonged by general education and feeling to the Universities, yet the course and application of these sciences has been extra-academical, and the tendency of their cultivation has been democratic. Yet this again runs in a two-fold channel. On the one side it is allied to the

* [Is it necessary here to add, (lest silence seem to give consent,) that in England the successors of Adam Smith are *very highly* esteemed? As for the other names, it is hard to say *who* are their successors. Priestley's fame however is decidedly that of a *Natural Philosopher*; and as such, he belongs to the next head. It may seem astonishing that our Author here takes no notice of (Political) History.]

negative Philosophy of Locke, and the Philanthropism of the eighteenth century; and on the other, to the positive doctrines of the Reformation, — namely, among the body of Protestant Dissenters.

§ 344. *Cries for University Reform.*

If now we enquire into the justness of the accusations raised from so many quarters against the Universities, and the wisdom of the remedies proposed, — and in part introduced, — we arrive, after impartial consideration, at the following result.

In such a controversy with the Universities, under the circumstances of England, party-interests and party-passions cannot but exert inordinate influence. The attacks therefore upon the Universities, even when they have a kernel of truth, are not based on any deep insight into the facts, and are consequently inequitable: being either absurdly exaggerated, or falling upon such faults only as are inherent in human nature. And after all, when an evil has been admitted to exist, it remains to ask, who is to blame, and whose duty it is to find a remedy; or how far the complainants have a right to prescribe one. That the Universities do *not* meet the claims made upon them from different quarters; and that in a certain moral and rational point of view these claims are to be justified; is undeniable: but it does not follow that the Universities are unconditionally bound to satisfy these

claims, unless indeed the SUPREME LAW is to be dictated by the blind, though sincere, partiality, with which each side looks upon itself as the *whole*, and its opponents as an anomalous, sickly excrescence. Such a law would be, after all, but a mechanical standard, obtained from an uncertain, perhaps an apparent, artificial, and surreptitiously obtained majority.

§ 345. *Defence of the Universities.*

Consequently, although it may be impossible to deny that the Universities neglect, more or less, or even entirely, especially in the several professional departments, a great many branches of learning, which, beyond their sphere, daily increase in value and extent; it by no means becomes a duty to them to take these studies into their course to the *extent* and in the *manner* that their adversaries require. They may very justly reply:—"Our known and recognized duty and vocation was, up to the present time, not to form Divines, Jurists, Physicians, Chemists, Mechanicians, Political Economists; but to form GENTLEMEN, and next, SCHOOLMASTERS who may educate the rising generation of Gentlemen. Let it be proved that the ends which we propose are less useful, less praiseworthy, less necessary, than those at which we are called upon to aim: that the fruits which we cultivate are not only less useful than they might be, but are absolutely useless

or even hurtful. Until that has been done, the demands made upon us are absurd. As long as it is admitted that the Gentleman (in *our* sense of the word) is a necessary and honorable element in the national existence, we are justified in continuing the system of instruction which we have hitherto pursued. But to deny the high national value of the old English Gentleman, is to assume for the democratic influence a superiority, which our opponents are not authorized in bestowing on it. At all events, it will be the affair of our Gentlemen still to continue to give proof, by facts, of their right to their position; and as long as they remain as a national element, our right and duty to reproduce them remains."

Should it be objected, that it is very easy to combine a general liberal education, according to the notion of the Universities, with the professional teaching which is called for by public opinion; we can only reply that this assertion has been very frequently made, it is true, but that the parties most*

* Germ. Den betheiligten. [This very perverse idea, (as I must venture to call it,) pervades all our Author's reasonings. The Nation itself is the party *most* concerned: secondly, the individuals who are to be taught: thirdly and lastly, the teachers. The Teacher exists for the Pupil, not the Pupil for the Teacher. — Long experience has taught the English, what perhaps the Germans less know; that the persons who have (what is called) a vested interest in any business, are the very last to be convinced that a change is desirable, or even possible without great mischief or danger. What sort of *proof* can be called *convincing?* Even if a third University, as that of Durham, were to introduce numerous changes without injury, it is by no means certain that Oxford and Cambridge

concerned are not convinced of it; nor can they be expected to consent to any essential change in their studies, until the advantages of it have been *proved* in the most convincing manner. In saying this, I do not intend to express any decided opinion, as to the extent which without opposite and greater evils might be given to the University studies. Yet every unprejudiced observer will give weight to the remark, that an inward opposition seems to subsist between various branches of learning, and the English Universities: I speak especially of those branches which are connected with Institutions [Inſtitute], and have a tendency predominantly practical. Such appear naturally to struggle to free themselves from Academical control.

In fact however the Universities themselves are by no means opposed to every extension of teaching more accommodated to the spirit of the Age, nor to every innovation: witness the reforms already introduced, without obtaining* from their

would infer that *they* might do the same. Nay, things which Cambridge practises at this moment, Oxford is convinced would be injurious to her.— While I most cordially hold that it is most *desirable* to do nothing without the good will of the Universities, I cannot but think that the more they are led to believe that there is no practical limit to their independence, the more likely it is that they will some day bring on themselves a visitation which might have been averted.]

* [This remark is possibly directed against special cases in which the Universities have been attacked; and for any thing I know, it may be very appropriate when so applied. But Prof. Huber has too much of the Academician in him to deal quite justly with the Anti-Academical English. The internal University Reforms were for a long time wholly unknown to the

adversaries the least acknowledgment, or even sign of acquaintanceship with the fact. At all events, it becomes an Academical body rather to move on behind the Age, than to expose itself to the danger and disgrace of vacillation and hasty experiment. If slowness of motion is either dangerous or very hurtful, it is so merely by its stimulating the ill-will, injustice, unreasonableness and precipitation of their opponents. If these choose to count as nothing the impulse to study unquestionably now given in the Universities, yet as there is manifestly no want of *other* places and means in England, by which all who have desire and talent may complete their education in each separate branch; why need the Universities be pressed upon to increase these means, with a risk of injury to that which they at

world without: and when at last they were known, it was too old a thing to occur to any one to *acknowledge*. Their opponents deal with the existing state as the normal one; and find in it certain grand practical defects. Of the difficulties against which the internal Reformers have had to contend, (and still are contending,) they know nothing: but when told of them, it seems to make the case worse; for such difficulties ought never to have existed. The Universities inherit the station, credit and wealth of the last three centuries: and inevitably they inherit likewise the *dis*-credit of past generations. When the nation is suffering through many grievous blunders, as, for instance, from that of imagining that to quote Horace and write elegant Latin verses are three quarters of the education of a statesman, it is not wonderful that a deep sense of *want*, of *neglect*, and of *injustice* arises. They compare what the University professes to be and the nation needs it to be, with that which it is; and are quite incompetent to make allowance for the inward infirmity of constitution, which old mismanagement or abuses have brought on. Naturally, the reply: "We go as fast as we can," (however true,) stirs up indignation the more.]

present afford? From this point of view we can justify many anomalies in their proceedings. Thus: for the Degree in the higher faculties they do not enforce residence. This is nothing but a truly liberal encouragement to frequent the *non*-Academic institutions, where these studies may be pursued with more profit than at the Universities. Can any one then seriously reproach them for continuing to bestow the Degree at all in the Faculties, now that they have lowered the studies to a minimum? So to lower the studies, they were compelled in no small measure by a complication of circumstances beyond their own control. But, let it be remembered, they *compel* no one to take this Degree, nor do they represent it as more than it really is, namely, an honorary distinction, rather of a social and political, than of any scientific value.

§ 346. *Reforming Movements of a Minority within the Universities.*

All these questions, as well as others concerning the academic discipline or constitution, are actively discussed at the Universities themselves. More especially at Cambridge, there is a minority, in which every not altogether mad or objectionable tendency of modern times, finds perhaps its most honorable representatives. It exercises a salutary control over the more stable majority (or, if one will, the Oligarchy) and lays upon it the moral obligation of

satisfying the demands of the age, as far as this can be done without yielding up essential qualities of the existing system, which could never be replaced. This majority indeed refuses to be hurried; and moves probably the more slowly, in resistance to those who would compel it. Whether this is the more prudent course, in a political sense, it may be hard to decide. Putting aside however all consideration of the higher intellectual and moral exigencies of the case, it may still be questioned, whether it is not a right, or even a duty, of every Party, (and consequently of that also, of which the Universities are the organ,) to apply to their own case the principle: "Let us be as we are, or else not exist at all." To volunteer an essential revolution, would be little less than a political suicide or treachery. At all events, nothing can be more presumptuous* than for bystanders to lay down the law, how far a Party and its Organs may concede to demands, without hazarding their existence or their dignity.

If however the English Universities choose to take any steps of reform in the direction demanded, the preceding pages suffice to show that the means are abundantly within their reach. Of the Organs required, some are complete, while of others the rudiments exist; they need only to be animated, strengthened or at most developed. Extraordinary

* For a specimen of the fault which I censure, see Von Raumer's England.

contributions would never be wanting for any good and judicious undertaking: for in the circle of which the Universities are the intellectual centre, there is a lively sympathy in their welfare, and consciousness of their importance.* Nor need they find any want of co-operation on the part of the Legislature of the country, to effect any desired reform: all, in fact, depends upon good will, and on a just insight into the case.

§ 347. *On the Equity of State Interference with the Universities.*

The language which some persons hold concerning the Universities is really equivalent to a demand that their Authorities shall either act under compulsion, or be wholly set aside; and the academic government, executive and legislative, be transferred to the Supreme Powers. In England, as well as with us, it is the most zealous and most noisy clamorers about what they call freedom, who, in their aversion and hate to every kind of independence, scruple the least to suggest such encroachments of the central authority.

That in England and every where else, authority

* Presents and endowments are just as frequent now as they were formerly — in proportion to the needs of the Universities. A subscription made for the Cambridge Library, for instance, has in a few years produced several thousand pounds. In this respect also, the idea that these institutions and their whole sphere of influence are fallen into the weakness and decrepitude of age, is perfectly erroneous.

is vested in the State, when circumstances require, to make changes in the Statutes of the Universities, need not be insisted here. Yet every authority may be abused, and what is the right use of it, can be settled only on moral grounds. If a Corporation has flagrantly neglected its duties, and more particularly those which concern its especial vocation, the higher Powers would doubtless be bound to supply the deficiency. But the presumption should always be in favor of the Corporation and its good intentions, nor ought any such interference to take place without the greatest caution and as the *most extreme* resource. Thus, although it would be the greatest folly to deny that a Visitation empowered by the King in Parliament might constitutionally introduce any changes soever at the Universities, it is no less true that such an interference would be the greatest stupidity and a most crying iniquity. [Eine große Thorheit und die ſchreiendſte Unbilligkeit.] Iniquity, as opposed to illegality, is the only injustice which can possibly be committed by King and Parliament; for, do what they will, it is legal.* Before such interference can be justifiable, a proof must be

* To what was before said upon the ancient power of the Crown over the Universities I might have added, that the formula so common in Royal Privileges "*durante regis beneplacito*" evidently expresses the *principle* of the unlimited power of the Crown to take back the favors bestowed: supposing of course the *moral* propriety of so doing. The right did not lie in the clause; but the clause was dictated by the right: on that account I lay but little stress upon it. I may remark also in passing that the Charter of the London University of 1838 also contains the clause.—"during our royal will and pleasure."

brought, — most convincing to all unprejudiced persons of the time well acquainted with the facts, — of that which hitherto has never been proved at all: namely, that *the results to be obtained by such a measure are, exclusively* and unconditionally, required by the laws of God and man, and by the vocation for which the Universities were founded;† and cannot be had by the voluntary agency of the Universities themselves.*

From the grounds on which the Universities have been as yet attacked in England, it is in any case impossible to deduce this proof. These grounds are for the greater part, *relatively*, well-founded and honorable; but, in an intellectual sense, placed not higher, but rather lower, than the Universities; as they have for the most part no other standard for learning, than its practical utility, in a more confined or more extended sense. At all events, this is true of the most popular and well known objections to the existing academic system. *Our* standard of learning does not exist at all in England: but even if it did, it might still be regarded after what

* [Ausschließlich und unbedingt. The literal acceptation would perhaps seem too extravagant, did not similar sentiments recur in this part of the work.]

† [Yet, a few pages back, he made light of the *foundations*; and declared that the recognized business of the Universities was to produce *Gentlemen* and *Schoolmasters*. Previously also, he treated it as very justifiable for Philosophy and Theology to be no higher in the Universities than in the rest of England. Public opinion is their measure, when he wishes to defend them: Public opinion goes for nothing, when it demands that they shall act up to the spirit of the Statutes.]

has been said above respecting it, (at least in its practical efficacy,) as very doubtful whether it would be right to sacrifice to it unconditionally the peculiar qualities of the English Universities.*

§ 348. *General Remarks on the Action of Religious Antipathies upon the Universities.*

We have now to turn our attention to another

* The English have been very fond lately of appealing to our Universities — the Liberals recommending them most zealously as models for imitation, and the opposite party holding them up as warnings on account of their extravagancies in manners and ideas. On both sides the greatest ignorance, semi-knowledge, or confusion of ideas prevails, with respect both to the state of things with us in general, and to that at the Universities, although the condition of the latter can only be judged by reference to the former. The evil appears really to be incurable, since the best intentioned investigations upon the very spot have only contributed to increase it. And thus Mr. Robinson, an American — who spent some time in Germany; and who is cited by Walsh and others as an oracle — assures us very seriously that with us there exists no prescribed or compulsory attendance on lectures. Consequently, all the admirable mechanism of our examination and testimonial system, the necessity of working for a future professional livelihood, fear of the future examination, — are entirely lost upon him; and he goes no further than the bare and palpable fact, that a young man may play the truant without being admonished or punished *at the very moment*. It is well known besides that people already begin to stop up also this mouse-hole of *liberum arbitrium* — and very rightly so as the Student is (properly speaking) a Servant of the State, and ought in duty to render to the State account of his time and talents. Another [English] wiseacre asserts that our Doctor's Degree gives the possessor the right *ipso facto* to teach at every University! Whewell looks upon it as perfectly unjustifiable, that our young people should be left without any superintendence, control or restraint whatever in matters of discipline! And so we have no deputations, no University Judges, no Beadles, no Watchmen, no Police, no rustication or expulsion, no imprisonment! — in fact nothing but a life in Paradise.

branch of the complaints against the Universities. We may safely assert that the main impulse of all their assailants, from Locke, Gibbon, Hume, Horace Walpole, to the Edinburgh Review and the last Radical mouth-pieces upon the subject, proceeded essentially and originally (whatever form, pretext, or character it may have borne, externally and in its further developement) from religious antipathies: whether excited by the contrariety of opinion between the Protestant extremes and the Episcopal Church; or by the hostility of the unchristian or anti-christian tendencies of the age to *every* positive form and doctrine of the Christian Church. Indeed how deeply and variously these antipathies and conflicting opinions are intermingled with political, social, and intellectual life in England, will be acknowledged upon all hands.* The attacks are directed chiefly against the Test Oaths; against the obligation of taking Orders, which has been imposed, either by statute or custom,

* Many who have written or spoken against the Universities have been stirred up by their undeniably over-mighty and heavy pomposity, conceit, pedantry, and even, to a certain extent, hypocrisy; or by their so essentially choleric and phlegmatical temperament; and have thus been carried into feelings of impatience, irritability, and contempt with regard to them. I do not pretend to assert that all these assailants have been decidedly Puritans, Unitarians, Atheists, or what not. Yet in most, in fact in all well-known, instances, it is notorious that the enmity is directed either against the Anglican Church or against all positive Christianity. This gives the key to the enmity against the Universities, but noways excludes the sincerity and uprightness of the accusations brought forward from other quarters.

upon the Masters and [most of the] Fellows of the Colleges, and consequently upon the Heads of the University; against the celibacy of the Fellows; and lastly, against the so very frequent attendance of divine service (according to the ordinances of the Anglican Church) directed by statute in the Colleges, as well as in the University. With these objections have been connected reproaches and complaints* of illiberality, ignorance, a narrow-minded, timorous, and sometimes even fanatical crippling of learning, and of a hateful use of power in the service of party. In fact, there is scarcely a single fault in the intellectual or moral life of the Universities, that is not ascribed to these pretended fundamental evils. But it is precisely this confusion, (in part not unintentional,) that now requires us to distinguish strictly between these essentially heterogeneous points.

§ 349. *Demand of the Abolition of the Test Oaths.*

The principal point demanded, is the abolition of the Test Oaths and the admission of individuals of every religious persuasion, not only to the studies of the Universities (for from them they are not formally† excluded) but also to the academic degrees,

* See Notes (99) and (100) at the end.

† [All persons who are not able to profess themselves *members* of the Church of England *are* formally excluded from the studies at Oxford; but not at Cambridge.]

and the enjoyment of the pecuniary, social, and, political rights connected with them.* But this is not all. Once admitted into the Universities, it is certain that the same parties would demand to have the Fellowships of the Colleges opened to them. The analogy between the two would sanction this extension of the argument; and if the claim is not yet plainly made, it is to be ascribed to the prudence of the few and to confusion of ideas among the rest. *This* kind of confusion however infallibly clears up of its own accord as the object comes nearer, and the Party moves on with more consistency than the Individuals are conscious of. But since it is alledged that an abolition of the Test Oaths will elevate University learning, let us first inquire how the two things are connected. It might have been thought, in truth, that they have nothing whatever in common, and that every desirable change relative to the studies might be effected by Academic Legislation, or by the King and Parliament, without admitting hostile religionists either to help in the execution of such measures, or to share in the results obtained. Yet there is a germ of truth at the bottom of the complainants' assertion. The genius of the Anglican Church does appear to be

* It is notorious by the newspapers, that the question of the abolition of the test oaths has been discussed in Parliament also: and it is astonishing what a want of all acquaintance with the real state of the case, and particularly of all legislative capacity upon this point, has been displayed by most of those who have taken part in the discussions *either for or against*.

incompatible with *that* kind of unbridled intellectual and scientific multifariousness, which it is wished to force* upon them. There can be no doubt, consequently, that the Universities, to accept these reforms, would have to sacrifice their essentially *Anglican* spirit; so that it becomes a question of the existence or non-existence of the as yet *Anglican* Universities.

* [It would be hard to find any Reformer who desires to "force" upon them a multifariousness at all to compare with that which in theory they have already. Who can read the list of Professorships without astonishment? It is the Universities themselves, that, in accepting such endowments, declared their willingness to be multifarious. And this is no casual vote, no isolated and momentary decision: I believe there is not on record a case of their refusing an endowment for any branch of Science whatever. Is this to be blamed? I do not say so: but the bestowal and acceptance of such a series of endowments distinctly shows, that both the Nation and the Universities themselves have ever recognized these institutions as the central organs of ALL SCIENCE. The epithet *unbridled*, attached by our Author to "multifariousness," is quite gratuitous. For an individual to attempt to *learn* so many branches at once, is out of the question: that might be called "an unbridled love of knowledge." But a national University may *teach* all at once, without being shallow in any.—I think also that he erroneously ascribes to an *Anglican* spirit, (as though it had something to do with Anglican *Theology*,) a phenomenon which results from the predominance of two languages, and of the Clerical Order. Whatever may be the moral advantages (great or small) of uniting in one person the characters of Clergyman and Tutor or Professor, they are bought by an intellectual sacrifice: nor is it possible for Pupils to study other Sciences with energy, while the University and Colleges make exclusive demands on them in Greek, Latin and Mathematics.]

§ 350. *Right and Duty of Self-preservation attaching to a Corporation.*

Once more: that which is demanded of the Universities under the plausible name of *participation*, would infallibly lead to *sole advantage;* or at least to the decided domination of those, who mount so clamorously to the assault of the Test Oaths. This heterogeneous alliance of all who oppose the Anglican Church and the education most congenial to her, would infallibly very soon obtain a majority,*

* [If this be true, there must be something in the *Genius loci* at the Universities, which inclines men to Heresy. The Communicants in all the Parish Churches of the land, in town and country, are admitted without subscribing the Thirty-nine Articles: why do not *they* all become Heretics or Dissenters? — Our Author however, while taxing others with insincerity, himself utterly misunderstands both them and their demand: and invidiously represents the whole as a *Dissenter's Question*. On the contrary, it is far more of a Churchman's Question. The subscription to the Thirty-nine Articles might be abolished, and the Universities be nevertheless shut to all but those who professed themselves bonâ fide members of the Church of England. This is actually the arrangement now, with regard to *Under*-graduates at Oxford, and to *mere* Graduates at Cambridge. Even before the Bill for Catholic Emancipation, and before the abolition of the Test and Corporation Acts, to subscribe the Thirty-nine Articles was not essential for holding the highest offices of State, nor yet for receiving the communion in the Church. The question is; — why a man who is orthodox enough to sit in the House of Lords and in the Privy Council, and to receive the Church Communion, is to be counted *not* orthodox enough to vote in the University Convocations, or to lecture on Law. In reply to the arguments above, we ask; — *Why* should any one predict the rapid spread of sentiments contrary to his own, unless he secretly suspects that there is the native vigor of Truth against him? See our Author's own reasonings below, on the Freedom of Learning. It would be quite contrary to fact, to pretend that the mass of the upper classes have as yet any hostility to the national Church: is then that Church unable to keep her

first in the Democracy of the Graduates, next, in the Aristocracy of the Fellows, and sooner or later, in the Oligarchy of the Heads. The Dissenters indeed, strictly so called, would not easily become a majority of themselves, but they could combine with the present minority, and besides, under a

influence with them by good deeds and by able teaching? Does her life in the Universities really hang on Acts of Parliament compelling her to be orthodox? Our Author's argument necessarily implies this; but to assert it, would be the part of both hostility and ignorance. — The experience of Germany, Geneva and England alike show, that subscription to Articles has no practical validity, except as it may be interpreted and enforced by public opinion. Historical fact speaks plainly, that a Test Oath can never keep up a spiritual or even an intellectual faith: these must stand by intellectual and spiritual influences, or they will not stand at all. Test Oaths no doubt may keep up a *ritual*; but this is here quite superfluous. As long as Aristocratical feeling pervades our upper classes, so long will they prefer the Anglican ritual to that of Calvin; whether they become Unitarians, Swedenborgians, Irvingites, Rationalists, or any thing else.

As regards the admission of avowed Dissenters to our Universities, if it were done by power from without, it would probably be but a part of an extensive alteration; and it is vain to conjecture the effects. But if done by the Universities themselves, — in good will, yet as an isolated Act, — I cannot doubt that it would be injurious to the Dissenters *as a party*, just in proportion as they took advantage of it. Only their richest members would think of so doing, and the entire number belonging to each one body would be so small, that a large proportion of them would be proselyted to the Established Church. Nor would it be easy to avoid much of this, even if they were able to found separate Colleges for themselves: sympathy, and the attraction of the old, the externally venerable and the powerful, are not so easily resisted. — Of such probabilities our Author not only entirely loses sight, but confidently assumes the very opposite, without giving us any ground for belief but his simple assertion. A *Partizan* of Dissent would undoubtedly rejoice at every regulation which keeps up irritation, and throws odium on the Universities; and especially on every thing which vexes the laity of the Church, and drives many of them to take part with Dissenters.]

Liberal Ministry, would have the support of the Supreme Government. There is really a strange want of sincerity here in men's words and professed claims. To demand the *keys* of a fortress, is really to demand possession. Now the Thirty-nine Articles are the keys to the *Anglican* Universities, and in reality, are *therefore* demanded: and yet we are assured that this has nothing to do with the question!

From the abolition of the Test Oaths, so all-pervading a change would take place, that Anglicanism (*as such*) would find itself excluded, as its adversary was before. The spirit now animating the Universities, driven from its ancient body, would fly away to some other abode, where it might amalgamate with other spirits and other elements: in plain words, it would suffer ANNIHILATION.*

If we have reduced the question to its true and

* [It certainly appears to me that the habit of comparing Corporations to *living men* (or rather, to *irrational animals*, moved by instinct alone) leads our excellent Author into many fallacies. To argue with him on his own ground, might we not refer to the title page of this book, and ask why he regards the Universities *now* and the Universities *four centuries ago* as the very same? He seems to have a profound conviction of their identity: yet the change of doctrine brought in at the Reformation, is far greater than could ensue from bringing in the mass of English Dissenters now. The last he calls *annihilation* of the Universities, and their consent to it a *suicide!* Why does he not hold them to have been annihilated at the Reformation?—They surely have more vitality than this would imply. The whole basis of the argument appears to me utterly unsound. The individuals who are members of a University are also members of a Nation, and the University exists for the Nation and for the world, not these for it. When the good of the latter requires, they ought to be willing to modify or to "annihilate" it.]

simple meaning, namely, the existence or non-existence of the present Anglican Universities; if we farther consider the importance of the Universities to the Church and to the Party; our further investigations can present but little difficulties. We will not attempt to stir up that whole chaotic mass of narrow-mindedness and ignorance, error, weakness and hypocrisy, which would pretend that there are *no* such conflicting tendencies, which, in the cause of "to be or not to be" fight for every foot of ground, spiritual and material; or, that it is only an idle game. Nor do we need here to establish the duty of the Universities to wield against their foes such weapons as right and custom have put into their hands. They are surely at liberty, in self-preservation,* to disarm, to banish, to extirpate them. We speak of those only who openly avow their intention of themselves occupying that place, which others now hold.*

§ 351. *What Legal Claims have religious Dissidents on the Universities?*

The next question to be asked is: to what grounds of justification these demands appeal? Is the right to which they lay claim, a positive, legal and constitutional one? Are they to be satisfied without the violation of well-acquired rights? To these questions a negative reply must of necessity be given.

* See Note (101) at the end.

The preceding history has sufficiently shown, that the final arrangements, which were made at a later period than the Reformation, received a valid legal sanction; and if any one chooses to appeal to a state of things earlier than the Reformation, he will have also to deny the legality of numerous other results affecting either the State or the rights of individuals. But no one thinks of such a thing — and least of all, those who come chiefly under our consideration here.

But in arresting our steps at the Reformation, we must see that the rights of Catholics, Dissenters, Unitarians, Jews and Mahometans, stand on the same footing towards the Universities as towards the Anglican Church itself. They have as little equitable or rational claim to participate in the corporate life of the Universities and the Colleges, and in their stipends and endowments, as in the Church benefices, Church buildings or the ceremonies of its divine service. The idea of that sort of public *national* establishment, which some would surreptitiously substitute for that which exists, is wholly inadmissible, and in fact has no sense whatever. Neither in the foundation* nor the further developement of these corporations; neither in the mind of

* [If he will refer to the "foundation," it must be remembered, that *the representatives of the despoiled Roman Catholics still live.* Unless there is a validity in the argument, which justifies *a successive adaptation of the Universities, as* NATIONAL *establishments, to the state of the* NATION; the existing order is one of legalized but immoral spoliation, bringing guilt on each new generation.]

the founders (as far as can be known) nor in that of any after-benefactors, was such a meaning, destination and extension given to them. Such a notion is totally foreign to the history of the institutions. Before the Reformation, they were intended merely for the promotion of Catholic education, as establishments which were to form an integrant part of the *National Catholic Church.* The Reformation and all later foundations, benefactions and regulations, transferred every thing almost unchanged, to the Anglican Church. And although (as is the case in the Church itself) the ecclesiastical character has become less prominent in the Academic Corporations, and in a formal, legal sense may have been perhaps extinguished; yet, both spiritually and materially, they are still an integrant part of the Church. This is distinctly seen, from the clerical nature* of the College-Fellowships. For as [most of the] College-Fellows are ordered by their Statutes to take Holy Orders [after a certain length of time], the majority of the College-Fellows and therefore of the [resident] members of the Universities must be of the clerical order. Against this historical and legal fact, what avails vague†

* See Note (102) at the end, in opposition to this.

† [Our Author is discussing the *legality* of the system. Against *such* an argument, to "declaim about tolerance" would be very absurd: such declamation is directed to the moral, not to the legal question. He appears however entirely to confound private property, owned by an individual, and property held only in trust by a corporate body, which it can neither alienate nor bequeath. I know that there is an important truth in the statement, that *all* LANDED property is strictly held on Trust; but

declamation about tolerance and the rights of citizens? No well-acquired right or property, like this, can be, in whole or part, given over to a third party, except by an act of spoliation: — that is to say, unless the possessor freely consents, or is become unworthy of possessing it.

§ 352. *Whether the present Universities are themselves absolutely unworthy to hold possession.*

The last remark leads to a second question. Although no claim founded in Law or Right can be adduced for the abolition of the Test Oaths, can it be put upon any higher moral grounds? Certainly not, unless the most convincing proofs be given of the ABSOLUTE *moral and religious*

that is not here to the purpose. Certain it is, that no man has *by nature* the power to tie up lands and houses to be used after his death as he pleases: the State *creates* and defends this right under conditions imposed by itself. In the case in point, the State has actually exercised the right of reversing the Founders' Wills; and it would be as legal, as constitutional, yes, and as righteous, (if done with righteous intentions,) to modify or to abolish, as it was to enact, the subscription of the Thirty-nine Articles as a prerequisite for holding Fellowships. It is really very preposterous in our Author to call the existing interests *well acquired*, when they were acquired by an act, to imitate which he declares would be unconstitutional, if not illegal, spoliation. His language also throughout unfairly implies, that it is commonly proposed by University Reformers to take away the property from the individuals who are in the enjoyment of it. This was done on every former revolution; but I doubt whether the most rabid enemy of the Universities has proposed or wished this. — Whether any change at all is *desirable*, is quite a different question: the present remarks refer to the legal and constitutional side of the subject.]

*worthlessness of the** CHURCH; of which they always were, and still are, the scientific organs. The RELATIVELY higher worth of some other, Christian or un-Christian, positive or negative, system, would not be enough to justify the supreme power in committing a spoliation† [eine Spoliation] in favor of it, as a measure of "Higher Policy." According to English notions of right, such an idea would not occur to any one: and even those who call for such measures, never attempt to mount‡ up to the level

* [Unless the *Church* means the *Clergy*, this is not to the point; for the *laity* of the Church are not called to subscribe to the Thirty-nine Articles. See Note (101) for further remarks.]

† [If the right be, as our Author will have it, that of *private* property, the worthlessness of the owner, — absolute or relative, — has nothing to do with it. The absolute worthlessness of a drunkard would not justify (according to English notions) the spoliation of his estates. If however the right be that of a *Corporation* only, a reform of it by the Supreme Power is morally justifiable, — for the general benefit and without individual infliction, — without any reference to the question of worthlessness. If this is true of local Corporations, how much more of central ones? — of those, in whose endowments every family of the kingdom may have an interest, by the will of Benefactors and Testators; — in whose well-being the whole kingdom is intimately concerned; — which, so far from being (in a moral sense) *absolutely worthless*, ought to be eminent in intellectual and moral excellence; — which, in fine, receive special immunities, special privileges and honors, special reverence, on the presumption of such excellence!]

‡ [What practical inconsistency of conduct is here imputed to (Dissenting?) adversaries of the Universities, I cannot understand: so vague is the language. But I do understand that its natural, and perhaps its only, meaning is, to impute to them *personal covetings* after University wealth. Many enemies of the Church are no doubt animated by *envy* and *spite* against her: they desire to tread down her pomp and her wealth, from mere hatred that she is so high and so proud. But not even the smallest fraction of the basest *covets* her wealth for themselves, in which few indeed could dream of personally partaking. In truth, common avarice is not spiritual and intense enough to move masses of men. Πρὸς τὸν ἔχοντ' ὀφθόφθονος ἔρπει.]

of such transcendental follies, in order to justify their covetings. But it is nevertheless precisely on this quarter that the greatest danger of the Universities lies. For that which is not expressly demanded or justified on this ground, may yet on this ground sooner or later take place, unless the Universities, and the Church to which they belong, make far more clearly visible than they have yet done, in the face of their adversaries, that they are superior to them, or at least equal, in religious merit, authority and right. This is without any doubt the weakest point, — properly speaking, *the foul spot*, — in the cause of the Universities: and on that account it is a subject that we must enter into with the more strictness.

§ 353. *What is really the Weak Point of the Universities.*

The Universities are most assuredly authorized in not looking on their adversaries as their judges, or taking as their own *their* views of the religious foundations of a really excellent, spiritual, and religious life. But at the same time, the law dictated by *their own* better feelings, their nature, and their vocation, the accomplishment of which they *themselves* look upon as their own task, — this law, we say, they are in duty bound to fulfil: and according to this law, they certainly come under a very heavy

judgment.* The essential principle of life in their whole spiritual and scientific sphere is the general and positive Christian Faith, that has developed itself under the particular form of the Anglican Church. Upon the maintenance, culture and dissemination of these doctrines rests their whole existence according to its special and particular nature, but upon this depend also their whole *higher* authority and right to an independent corporate existence, and, in so far again, their formal appreciation and recognition from without. It may be asked how much or how little of intellectual culture and extended intellectual activity, — (relatively subordinate, yet in themselves very important matters,) — they may have been obliged to sacrifice for the preservation of spiritual life, that palladium of their existence. But this question we must not here endeavour to solve, as it can only be treated in its general form, and then becomes one of the most difficult questions connected with men and things in England. If however the English Universities were able to justify themselves for what is wanting in the comprehensiveness or freedom of their scientific agency, by appealing to their efficacy upon the field of the Christian religion; if they were able boldly to assert that they had

* [Although there is much in this section which dissatisfies me, it is too large and perhaps too difficult and too painful a subject here to enter upon. And I annex this note, merely lest, after my remarks on his former reasonings, my silence might here seem to be an acquiescence in his deductions.]

preserved the living spring of Christian doctrine confided to them by the Reformation in all its untroubled purity, and life-bestowing power, and that they really led the youth committed to their charge to drink at this stream; then indeed they would have no need to tremble before any tribunal human or divine — then indeed might they listen in silent contempt to all the trivial, absurd and dishonest clamor around them about intolerance, &c. Unhappily it is not so. All that we have said before respecting the inadequacy and unsuitability of the academic regulations for the promotion of religious and theological education, in the last century, we can unfortunately only repeat (*generally speaking*) with regard to the present day also.*

* Instead of entering into further explanations upon this point, I will only call upon those who doubt the truth of this accusation to examine into the *modern English literature* upon this subject with care: nor do I at all mean such authors as boast of their modern enlightenment: I speak of course of such as from their whole position belong to the principles of *old* England, and to the Anglican Church and Party. It will be found every instant that the essence of Christianity, THE SINFULNESS OF MAN and THE REDEMPTION — is taken in a mere conventional light, and that a sort of vague Deism, *a self-complacent justification*, is the true ground of their whole tendency, in contradistinction to which the regarding and following the mysteries of Christianity in serious solemn conviction, is looked upon as extravagance, fanaticism, or even objectionable enthusiasm. All this certainly does not exclude an infinity of what is good and great in a moral or even religious point of view: but when we ask after the *one* thing needful we find not even the positive simple germ of it.

§ 354. *Grounds for Hope and absolute Necessity of a Religious Regeneration of the Universities.*

There can be no doubt that some progress has taken place also on the spiritual side of the Universities. We need scarcely to mention how very intimately and multifariously their movements are connected with those of the Anglican Church in general: and consequently it is neither surprising, nor can it be doubted, that the evident signs of a deeper regeneration, which burst forth here and there in the Church and reanimated the senseless corpses, have evinced themselves at the Universities also. But even the peculiar character of many of these reactionary movements, (such for instance as the quasi-Catholic tendency in Oxford,) shows how deeply and widely spread the evil still is. In truth, all unprejudiced witnesses upon the subject agree, that there prevails at the Universities, as in the Church to which they belong, a want of Christian faith, of intimate knowledge of fundamental truths of Christianity, or at all events a want of *lively* faith, a confusion and levelling of ideas, a dry formality, a sort of moral self-justification or negligence, a complete predominance of the material and political interests of the Church, and a reckless worldly-mindedness connected with it. And although matters may in truth not be so bad as they *were*, the position is nevertheless infinitely more difficult and requires an infinitely greater

power of resistance; a power, the fountain-head of which is still covered with refuse, so troubled in its purity that but few members can refresh themselves at its source. It is this increase of difficulties that is the retribution of the Church, brought about by its own sins of commission or omission. If the enemies, who fifty years ago swarmed round the Church in but small and weak flights, have now grown into dense armies, daily increasing and threatening her incessantly on every side: the Church is chiefly herself to blame, since she has not been able to keep her own partizans in the common accord of spirit and love with her, much less to beat down her enemies or win over the wavering. That for some time past improvement has commenced, is undeniable: whether, as so often happens, it be too late, the end alone can show. Should this be the case, one or more of the other forms of Christianity developing itself either at the cost of the old Church, or side by side with it, may seem called upon to stand in its place as a compensation to Christianity and to the people: the duty of the Anglican Church itself however can only be to fight for its existence down to the last moment. But in order to carry on this fight with honor, if not to gain the victory, a self-imposed regeneration is necessary, which must proceed in an essential degree from the Universities. In fact, upon this very field every deeply influencing and effective movement must have its *scientific* roots, in order to

pursue its way successfully in the circles of higher cultivation, where the adverse party are so fond of giving themselves the airs of having the monopoly in learning. It follows that while the religious life is reformed, the theological studies must be reformed also, — or rather created: studies for which the Anglican Church has, down to the present time, never, in fact, possessed any institution either at the Universities or elsewhere.* We cannot here discuss how the new regulations needed would be made to harmonize with the old ones, or what repeals would become essential. This is an entirely practical question, to solve which a far more correct knowledge of facts is needed than we could presume ourselves to possess. It would however be principally necessary to ascertain how far the existing regulations are unsuitable in themselves, and how far they have been crippled or perverted by want of a right spirit and a right understanding in their application. This remark would more especially apply to the question of the academic divine service, which in its present state is a source

* It must however be expressly mentioned, that a much greater and most beneficial impulse has been given in this matter, especially at Oxford, although only within the last four or five years; but at all events sufficiently to be remarked and acknowledged even by the adverse party. Not only are the lectures of the Professors of Theology, but what is a matter of much importance both in itself and as symptom — those also of the Professor of Hebrew are attended very diligently. One cause of this may be that most of the Bishops demand testimonials of the attendance of these lectures before admitting to orders. [Attendance on the Theological Lectures was always demanded: attendance on the Hebrew Lectures, neither was nor is.]

of scandalous and reckless conduct; be the fault in the Statutes, or from the manner in which they are enforced, or from the want of spirit, life and feeling in their exercise.*

As for the scientific side of the matter, there are unquestionably many ways that offer themselves, into which we cannot examine here. Whatever be the path chosen — whether it be a more complete and better adapted organization of the Theological Faculty, or the foundation of Theological Seminaries, for which the present Colleges might either serve in a material sense as the fittest models, or present a stem upon which this more noble offshoot might be grafted — at all events it will be necessary clearly to establish the connexion of Theology with the general developement of learning.

* I neither can nor will refer to any individual testimony in this respect, easy as it would be to me. I can only repeat, however, that whoever denies this point, — the flagitious behaving as if this dry compulsory *opus operatum* of chapel service were all in all, — can do so only (upon the most charitable supposition) from the strangest blindness and self-deception. Whether my blame is dictated by prejudice on my own part, and dislike to the Anglican Church, especially at the Universities, may be decided by any *himself impartial* judge. [I cannot say whether our Author will count me an impartial judge; but I freely give my most confident testimony, that the performance of Divine Service in the Oxford Chapels, (as far as I ever witnessed it, in the course of eight years,) is externally as decorous as in ordinary Parish Churches. Of course, no conceivable regimen can make readers or hearers affect a *devotion* which they have not, — either in Chapel or in Church, — and if it could, it would be so much the worse. But I do not remember ever to have witnessed any thing *positively* bad and scandalous: and to the same effect I find the testimony of others to be, who are quite indisposed to CANT.]

§ 355. *Great Question to be pondered by the Universities; concerning the need of Freedom to the Learned Theologian.*

I regard it as a fundamental axiom, that Evangelical Doctrine must be preserved within the Universities *at any price;* so that the only inquiry on this head is, concerning the most effectual means of preserving it. It becomes then most necessary above all to decide, from what cause its greatest danger springs: whether it really lies in permitting unbounded freedom to the progress of learning, or whether still worse is not to be feared from the cramping and fettering system, which is wont to cripple, or even to poison, the noblest powers and the best impulses, far more effectually than it impairs the useless or noxious ones. It needs consideration, I say, whether that system, and those views and feelings on this subject, which have hitherto predominated within the Universities, ought not to be looked on as among various evils the greatest.

This is, it is true, a question, the difficulty of which is equalled only by its importance; and nothing is more ridiculous or more disgusting than the flippancy* with which it is answered or

* [Flippancy is an accusation easily made, and quite irrefutable: since it refers more to the *manner* than to the *matter* of a sentiment. But it may be Faith, rather than Flippancy, which disembarrasses itself of our Author's doubts; and which boldly cries, that Christian Truth can get nothing but damage from Acts of Parliament to enforce it. Little-Faith is harassed by ten

looked upon as long ago decided, by those precisely who trouble themselves not in the least, and who are devoid of all true understanding, as to *that* point which is here principally concerned; namely the preservation of the positive elements of Christianity. Were the experience that has been as yet amassed, allowed to decide, the choice, although difficult, could scarcely be long doubtful. For there is at all events a sufficient, if not a very great, preponderance, in favor of the *freedom of teaching*. There is no denying that among ourselves the almost entire freedom in the developement of learning upon this field, has produced every kind and degree of backsliding, secession and enmity to the facts and fundamental doctrines of Christianity; the weakest as well as the most powerful errors: until in later times "a falsely famed art" appears ready to put itself forward under the counterfeit banner of Christianity, as an "abomination of desolation in the holy place" calling itself GOD. These more dangerous and degenerate tendencies of the mind and soul are not to be found in England, and appear up to the present time to be peculiar to the German spirit: perhaps because the German spirit alone has within itself all the impulses of the highest

thousand anxious questions, when it begins *to deal with others as it would be dealt with:* and then, too often, it cries out, that those who have more faith are rash, shallow, flippant, &c. But after all, as our Author himself comes to the same conclusion, it is rather hard that he should be offended that others have reached it by a shorter cut. If the eye be single, the whole body is full of light.]

spiritual cultivation, and the principle *corruptio optimi fit pessima*, stands good here also. But it would be a great error to measure the entire danger to religion by that alone. The subtle and violent poison is too concentrated and far too little diffused hitherto to become dangerous to many: unless indeed it were to be spread about by the Omnipotence of the State, and thus given as daily food.* The greatness of the ruin and rubbish which has heaped itself up around the rock of the Church, and threatens to overwhelm it, is with us a completely analogous result of the same causes, that in England have produced the same effect: and it would scarcely be worth the trouble to calculate the small difference in the extent of the devastation. An essential difference however is manifest, in the condition of that which still resists the devastation — namely the sound seed within of Christian doctrine and Christian life: and in this respect the comparison turns out decidedly to our advantage. For as we are not led astray by the external appearances, (which in England conceal the decay and weakness within,) we may proclaim with joy, that the seed within is with us far warmer and more vigorous

* And even then it is not likely that it would retain its nature: it would more probably—to judge by the proofs we have before us—become by being made popular, mere common Rationalist ratsbane. I cannot here enter into any explanations as to the principle of free Knowledge, its right and justification as regards the Faith, and the practical reciprocal operation between the two: nor do I need to point out in what way I have arrived at my recognition of the right and authority of Learning to as wide an extent as any of those who grant none to the

and full of life and spirit than in England, and far more richly blessed with that power, which not only resists the corruption and decay, but is able to attract all that is dead around and to warm it into life.* And are we to suppose that this advantage has been gained by us only *in spite* of our greater freedom in learning. Ought not Christianity to have found and still to find in knowledge at least as powerful weapons as its enemies? Ought it not to be the more convinced of the necessity of these weapons in the present fight, since their enemies cannot be shut out from using them, either with us or in England? It is to be hoped, that before long these matters will be maturely deliberated both at Oxford and Cambridge, and that they will not be

Faith, and who act as if the whole affair were easy and simple. But, independently of other discrepancies which exist not in the result, but in the path to it, I must bring forward one point at least. People appear, on many hands, to believe that it is a matter of course that the Universities should enjoy perfect and unqualified freedom in teaching: — that this is at all events a *jus quæsitum* ever since and in consequence of the Reformation. It is fortunate however for the cause, that the claim to this freedom has a higher moral support: as the Reformers for two centuries knew as little about it as Catholics during the Middle Ages. [True: it is a trite remark, that the individual Reformers with few exceptions, desired Freedom for themselves, but denied it to others. Our Author however misstates the argument. It is urged, that the Reformation cannot be justified *at all*, unless it is willing to go *farther*.]

* There are many persons among our Christian host, and more especially of the clergy, who are acquainted with England only from books and newspapers; and being the best intentioned people in the world are perfectly deceived by the formalities of England, such as the much be-praised observance of the Sabbath-day, &c. It is not my place, however, to teach them better.

decided without a fundamental review of the experience of others; — a prerequisite for self-improvement which unhappily has as yet been so entirely neglected.

§ 355. *As long as the smallest Minority maintains even in form the Articles and the Creed, a Parliamentary Reform would be Political Robbery and Murder.*

In what we have said with regard to the heavy responsibility incurred by the English Church (which in the more extended sense includes the community) and by the Universities, we must not for a moment be understood to mean, that a true Reform in this respect could or ought to come from WITHOUT. Heavily as the Church and the University may have sinned, they can never be denied to have the will, the power, the means, and the right to undertake a self-reform, as long as they have not expressly, *and as a Corporation,* renounced their Articles and their Creed. *As long as the* SMALLEST MINORITY *maintains this position,* EVEN ONLY FORMALLY, *it can not be* thrust out without violence and spoliation.* But as long as among this minority there still exists (and of that there can be no doubt) any life and spirit of its Creed, no one ought to despair of the regeneration of the rest, of the

* [No one dreams, now-a-days, of *thrusting out* individuals. The general question, I have discussed in part in Note (101).]

leavening of the whole mass. And least of all can we admit that the powers of the State, (among whom the adversaries of the Church exercise a preponderating influence,) are authorised to start from an unfavorable presupposition, dangerous both to the rights and to the existence of the Church. Whatever name might be given to such proceedings, it would after all be at bottom but a spoliation — a political robbery and murder.

§ 356. New *Literary Institutions in Great Britain.*

It would be injustice, however, to the powers of the State, and to the honorably minded adversaries of the Universities, generally speaking, to suppose that their views were of this nature, or that they had any fixed preconceived plan of the kind. Even the abolition of the Test Oaths, (which would assuredly be the most certain step to that end,) is not at all consciously regarded in this light by the greater part of those who urge this measure, and more especially by the academic minorities. At all events, there is no doubt that along with that parasitical principle which would willingly satisfy its appetite at another's table, more honorable and independent impulse exercises its influence. In truth, the question: "Why then do not you, yourselves* found Universities that would exactly meet

* [Yet see how mildly the Author dealt with the Mendicant Monks, (§. 234) to whom this question might have been as

your own wants and wishes, if the old ones do not suit you or are shut upon you?" is too natural a one not to be instantly asked on many hands. It would need no proof, to us Germans at least, that a few Universities more in England would not be too much. And as far as this point is concerned, it is with sincere pleasure that we are able to turn to the really honorable side of the opposition against the English Universities, and notice the manner, altogether worthy of the character and power of the English nation, in which so many very distinguished men have been using their best endeavors in different parts of England to bring into life new institutions for education of the higher order, in which the faults, that are blamed in the old Universities, may be avoided, their deficiencies supplied, and their fetters thrown aside. And, in fact, these are not the only attempts which here deserve honorable mention: many other recent undertakings promote the same ends in other ways. Above all we ought to notice the newly adopted general Scientific meetings,* the idea of which the English have taken from us: for, as the old Universities have taken part in them in the persons of many of their most distinguished members, we may be justified in hoping that it may perhaps be the means of effecting a compromise honorable to all

justly put. In the same spirit, a man who complains of injustice in the laws may be asked: "Why do not you emigrate?" In §. 335, he declares that this is not the voice of Humanity but of Party.]

* [The British Association.]

the parties concerned. Should this, however, not be the case, we can only congratulate all upon the results of a battle fought with such weapons and upon such a field, in which in any case the interests of Science will win.

All this, however, is as yet too much in the bud to admit of any farther notice from us. So also do the new Colleges and Universities at London and* Durham, and elsewhere,† lie beyond the sphere of our task. But we may yet add, that although the results have hitherto been generally behind the promises and expectations, yet each has undeniably its own peculiar excellencies, and lawful pretensions, and no unprejudiced person can refrain from offering up the sincerest wishes for their well doing and prosperity. Nor do we intend, in any way, to condemn altogether the government plan [of the new London University] which is connected with London University [College], and with the modern bureaucratically centralized State-System in England. It is to be hoped that, by the strength of local influences which so characterizes England, it will

* [On Durham University, see Note (102) at the end, which has been furnished by Mr. H. Longueville Jones.]

† A little work entitled "Plan of a University for the town of Manchester, by the Rev. H. Longueville Jones," will give a very good idea of the views, and wishes, and doings of the *honorably minded* adversaries of the old University system. In Scotland also, where there exist after all Universities that are notoriously in want of a reform, thoughts have been entertained of founding a new University at Dunbar. Trinity College, Dublin, might also easily be made the basis of a very considerable University.

escape the lot of becoming a mere piece of modern State machinery; the germ of which it evidently bears within itself.* If so, we may see, as the happy result, the newly-awakened intellectual demands gratified, without losing in worldly indifference or official ossification, the older tendencies and elements of religious, intellectual and political life. But should those institutions, which refuse to take cognizance of distinctions of creed in the department of erudition, practically prove that no real danger is incurred to the general basis of the creeds, and that it is possible to combine the maintenance of religion with full freedom and progress of learning, this would be the most likely method of breaking down the exclusiveness of the old Universities.

§ 357. *Darkness of the future destiny of England.*

How much all this depends upon the general course of events in Great Britain, must be as clear to the dullest eye, as this future itself is dark to the most clear-sighted. Others may decide whether democratic inundation will swamp the old Universities, with the rest of Old England, in industrial barbarism; and whether, out of this flood, a fresh stratum may not form itself, to become a dam and bulwark to the higher aristocratic soil. Doubtful

* [See Note (103) at the end, for an account of this Institution by Dr. Rothman, the Registrar.]

as is the destiny of the British Empire, there is nothing to exclude favorable probabilities. Endowed with new strength by the suicidal struggle of its opponents, perhaps at a future period the Crown, as Head of an active organism, may promote the developement of the most various powers; exhibiting a generally diffused health of the system, as different as possible from that absolute all-directing all-controlling mechanism,—destructive to freedom, enlargement and life,—in which the ideal of a State is sought for, *among us*. But here ends our task.

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